

CHAPTER 1054
WEIGHING AND MEASURING DEVICES
S. F. 446

AN ACT relating to weighing and measuring by granting the department of agriculture the authority to promulgate rules to implement chapters two hundred fourteen (214) and two hundred fifteen (215) and enforce its regulations, by defining various weighing and measuring devices and providing related definitions, relating to persons who service weighing and measuring devices, relating to weighing and measuring devices and procedures used in the transportation of commodities, relating to measuring devices used in the retail sale of motor vehicle fuel, and relating to weighing regulations in the sale of animal carcasses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 2. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL. A motor vehicle fuel pump at a retail service station may record the price per half gallon of fuel dispensed when the price per gallon exceeds ninety-nine and nine-tenths cents per gallon and if the following conditions are met:

1. All pumps at the service station shall be uniform in the method of computing the price of motor vehicle fuel.
2. Signs at the service station visible from the street shall display only the full gallon price.
3. The price per gallon shall be displayed in a conspicuous place near or on the pump.
4. A large and conspicuous window or street sign shall be posted indicating that the pumps register half gallon prices.
5. The service station shall comply with rules that the secretary of agriculture may adopt imposing additional requirements on the size and location of notices relating to half gallon pricing.

All motor vehicle fuel sold by the gallon at retail service stations shall be priced at the pump by the gallon, by the half gallon, or by any other method of pricing approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code. Any other method of pricing is prohibited.

Sec. 3. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING LABELS. A retail dealer selling motor vehicle fuel may use pricing labels on the face of any existing motor vehicle fuel pump for the purpose of providing the pump with the capability of measuring and recording sales of motor vehicle fuel priced in excess of ninety-nine and nine-tenths cents per gallon. However, such pricing labels shall consist only of half-price pump postings or one-tenth calibrated pricing labels providing the consumer with a view of an added zero digit equal in size to the adjoining price digits on the price display face of the existing motor vehicle fuel pump, to which the added zero digit is attached, or any other pricing labels approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code.

Sec. 4. Section two hundred fourteen point one (214.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Retail dealer" means retail dealer as defined in section two hundred fourteen A point one (214A.1), subsection three (3), of the Code.

NEW SUBSECTION. "Motor vehicle fuel" means motor vehicle fuel as defined in section two hundred fourteen A point one (214A.1), subsection one (1), of the Code.

NEW SUBSECTION. "Existing motor vehicle fuel pump" shall mean any pump, meter, or similar measuring device, existing on the effective date of this Act, with the capability of measuring and recording sales of motor vehicle fuel not priced in excess of ninety-nine and nine-tenths cents per gallon.

NEW SUBSECTION. "One tenth calibrated pricing labels" shall mean pricing labels which, when applied to an existing motor vehicle fuel pump face, cause increases by multiples of ten in the amounts shown on the price display face and the price per gallon display face of any such pump.

NEW SUBSECTION. "Added zero digit" shall mean a pricing label bearing the digit "zero" which is secured to the pump face of any existing motor vehicle fuel pump immediately adjacent to the penny wheel on the price display face of such pump.

Sec. 5. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Commercial weighing and measuring device" means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device.

2. "Servicer" means an individual employed by a service agency who installs, services or repairs a commercial weighing or measuring device for hire, commission or salary.

3. "Service agency" means an individual, firm or corporation which holds itself out to the public as having servicers available to install, service or repair a weighing or measuring device for hire.

4. "Packer" means a person engaged in the business of any of the following:

- a. Buying livestock in commerce for purposes of slaughter;
- b. Manufacturing or preparing meats or meat food products for sale or shipment in commerce;
- c. Marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

Sec. 6. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With payment for each purchase of livestock except poultry bought on a carcass weight or grade and yield basis, each packer shall provide the seller with one statement displaying the individual carcass weights of all the animals sold.

Sec. 7. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. PACKER-MONORAIL SCALE. The speed of a monorail scale operation used by a packer shall not exceed the manufacturer's recommendation or specifications for accurate weighing under normal, in-use operating conditions. The operational speed shall be permanently marked on the indicating element. Adequate measures shall be provided whereby testing and inspections can be conducted under normal in-use conditions. Tare weights for trolleys or gambles* shall be registered with the department. The registered tare adjustment on the indicating element shall be sealed or pinned.

Sec. 8. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. SERVICER'S LICENSE. A servicer shall not install, service or repair a commercial weighing or measuring device until the servicer has demonstrated that he or she has available adequate testing equipment, and that he or she possesses a working knowledge of all devices he or she intends to install or repair and of all appropriate weights, measures, statutes and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter seventeen A (17A) of the Code, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the national bureau of standards, handbook forty-four, "specifications, tolerances, and technical requirements for commercial weighing and measuring devices". The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 9. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

*According to enrolled Act

Sec. 10. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RAILROAD TRACK SCALES. The department of agriculture shall inspect the railroad track scales referred to in section three hundred twenty-seven D point one hundred twenty-seven (327D.127) of the Code. The department may adopt rules establishing standards for the scales. The rules may include but are not limited to safety standards, accuracy and the style and content of forms and certificates to be used for weighing.

Sec. 11. Section two hundred fifteen point one (215.1), Code 1979, is amended to read as follows:

215.1 DUTY TO INSPECT. The department shall ~~make an inspection of regularly inspect~~ all ~~weights and measures wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, or where the price to be paid for producing any commodity is based upon the weight or measurement thereof,~~ commercial weighing and measuring devices, and when complaint is made to the department that any false or incorrect weights or measures are being made ~~under said conditions, said,~~ the department shall ~~have the same inspected~~ inspect the commercial weighing and measuring devices which caused the complaint.

Sec. 12. Section two hundred fifteen point ten (215.10), Code 1979, is amended to read as follows:

215.10 INSTALLATION OF NEW SCALES. It shall be unlawful to install a ~~livestock or truck scale or a hopper scale,~~ used for commercial purposes in this state, unless said the scale is so installed that ~~the same~~ it is easily accessible for inspection and testing by equipment of the state department of agriculture and with due regard to the scale's size and capacity ~~thereof.~~ Every scale manufacturer or dealer shall, upon selling a scale of the above types in Iowa, submit to the department of agriculture upon forms provided by ~~said the~~ department, the make, capacity of the scale, the date of sale, and the date and location of its installation.

Sec. 13. Section two hundred fifteen point fourteen (215.14), Code 1979, is amended to read as follows:

215.14 APPROVAL BY DEPARTMENT--ELECTRONIC SCALES. No scale known in the commercial field as a railroad, truck or livestock scale shall be installed in the state of Iowa without first being approved by the state department of agriculture. ~~Said The~~ The approval being shall be based upon the recommendations of the U. S. bureau of standards. All motor truck scales, livestock scales, and grain dump scales, hereafter installed and regardless of capacity shall have a clearance of not less than four feet from the finished floor line of scale pit to the bottom of the "I" beam of the scale bridge, except an electronic scale may be installed in a building and ~~said the~~ the scale shall be placed on concrete footings with concrete floor. ~~Said The~~ The specifications for ~~same to~~ these scales shall be furnished by the scale manufacturer after approval by the state department of agriculture. ~~Said The~~ The approval to shall be based upon the recommendation of the U. S. bureau of standards.

Sec. 14. Section two hundred fifteen point nineteen (215.19), Code 1979, is amended to read as follows:

215.19 AUTOMATIC RECORDERS ON SCALES. ~~All-meter-truck-scales, livestock scales, grain-dump-scales, and combination-truck-and-railroad-track~~ Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all scales with a capacity over five hundred pounds, which are used for commercial purposes in the state of Iowa, except-meter-truck scales--used--solely--in--the--weighing--of---construction---aggregates---and agricultural--limestone, and installed after January 1, 1981, shall be equipped with either a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar device which shall be used for printing or stamping the weight values on scale tickets.

Sec. 15. Section two hundred fifteen A point three (215A.3), Code 1979, is amended to read as follows:

215A.3 RULES ADOPTED--HEARING. The department is hereby charged with the enforcement of this chapter and, after due publicity and due public hearing, is empowered to establish rules, regulations, specifications, standards, and tests as may-be necessary in order to secure the efficient administration of this chapter. Publicity concerning the public hearing shall be reasonably calculated to give interested parties adequate notice and adequate opportunity to be heard. In establishing such rules, regulations, specifications, standards, and tests the department may use ~~such~~ the specifications and tolerances established in section 215.18, ~~or--these and shall use the~~ specifications and tolerances established by the United States department of agriculture, ~~until-established-by-the-United-States--bureau--of standards as of November 15, 1971, in chapter XII of GR instruction 916-6,~~ equipment manual, used by the federal grain inspection service. The department may from time to time publish such data in connection with the administration of this chapter as may be of public interest.

Sec. 16. Section three hundred twenty-seven D point one hundred twenty-seven (327D.127), Code 1979, is amended to read as follows:

327D.127 ~~BULK--COMMODITIES--IN--CAR--LOTS~~ RAILROAD TRACK SCALES--WEIGHING--FEE. Every ~~person-engaged-in-operating-any~~ railroad corporation operating within the state and having track scales shall maintain the scales in good order, ~~track-scales~~ and of sufficient capacity to weigh ~~all~~ carloads of bulk commodities ~~which-the-department-may-specify-that-may-be~~ transported over the railroad, ~~and.~~ The railroad shall weigh ~~the--same~~ car lots of bulk commodities at the request of any owner, consignor, or consignee of such commodities, and furnish written certificates of ~~such~~ the weights to ~~such~~ the owner, consignor, or consignee. A reasonable charge may be made for such requested weighing.

Sec. 17. Section three hundred twenty-seven D point one hundred twenty-eight (327D.128), Code 1979, is amended to read as follows:

327D.128 ~~COMMODITY~~ WEIGHING--DISAGREEMENT. If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities ~~which-are specified-by-the-department~~ cannot reach agreement relative to the weighing of ~~such~~ the commodities, appeal may be made to the board ~~which-shall.~~ The board, after a hearing, shall issue ~~such~~ an order ~~as-may-be~~ equitable to all parties, ~~---The--order-may-include,~~ including but not be limited to allocation of ~~installation costs and other-costs~~ and specification of the place and

manner of weighing. ~~The board may adopt rules for the administration of this section.~~

Sec. 18. Section three hundred twenty-seven D point one hundred twenty-nine (327D.129), Code 1979, is amended to read as follows:

327D.129 WEIGHT AT DESTINATION--FEE. ~~Such--bulk~~ Bulk commodities ~~designated by the department~~ shall be weighed at the destination upon request of the consignee when there are track scales at ~~such point~~ the destination. If the destination is not equipped with track scales at such point, then the weighing shall be done at the nearest practicable point agreed to by both parties. ~~A reasonable charge may be made for such weighing on request.~~

Sec. 19. Section three hundred twenty-seven D point one hundred thirty (327D.130), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327D.130 WEIGHING COMMODITIES. A scale ticket printed or stamped by automatic recorders pursuant to section two hundred fifteen point nineteen (215.19) of the Code, shall be furnished to the consignee. Settlement of freight charges shall be based upon those weights, but weight shall not be warranted for any other commercial purpose unless so stated upon the face of the scale ticket.

Sec. 20. This Act, except section two (2) relating to the half pricing of motor vehicle fuel, section three (3) relating to motor vehicle fuel pump pricing labels, section four (4) relating to definitions for chapter two hundred fourteen (214) of the Code, and section fourteen (14) relating to automatic recorders on scales, is effective January first following its enactment. Sections two (2), three (3) and four (4) of this Act are effective July first following its enactment and are repealed January 1, 1985. Section fourteen (14) of this Act is effective July 1, 1981.

Approved April 21, 1980

CHAPTER 1055

FURLONGHS FROM CORRECTIONAL INSTITUTION

H. F. 2277

AN ACT relating to the furlough of misdemeanants and class "A" felons sentenced to and confined in an institution under the jurisdiction of the department of social services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section two hundred seventeen point fourteen (217.14), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The commissioner of social services may establish ~~for any inmate sentenced pursuant to section 902-3~~ a furlough program under which inmates sentenced to and confined in an institution under the jurisdiction of the department of