
SENATE BILL 5418

State of Washington

54th Legislature

1995 Regular Session

By Senators Fraser, Wood, Wojahn and Prentice

Read first time 01/23/95. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to weights and measures enforcement for scanners;
2 amending RCW 19.94.165 and 19.94.175; adding new sections to chapter
3 19.94 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The purpose of this act is to add to the
6 existing weights and measures program specific provisions for
7 monitoring the accuracy of prices being charged by electronic scanners
8 used in retail sales. The intent of the legislature in establishing
9 this program is (1) to increase consumer protection and confidence that
10 prices being charged with the use of electronic scanners have a high
11 degree of accuracy, and (2) to establish a standard of fairness among
12 retail merchants consistent with nationally recognized pricing
13 procedures and accuracy requirements.

14 **Sec. 2.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read
15 as follows:

16 (1) Unless otherwise provided by the department, all weighing or
17 measuring instruments or devices used for commercial purposes within
18 this state shall be inspected and tested for accuracy by the director

1 or city sealer at least once every two years and, if found to be
2 correct, the director or city sealer shall issue an official seal of
3 approval for each such instrument or device.

4 (2) Beginning fiscal year 1993, the schedule of inspection and
5 testing shall be staggered so as one-half of the weighing or measuring
6 instruments or devices under the jurisdiction of the inspecting and
7 testing authority are approved in odd fiscal years and the remaining
8 one-half are inspected and tested in even fiscal years.

9 (3) The department may provide, as needed, uniform, official seals
10 of approval to city sealers for the purposes expressed in this section.

11 (4) The department shall, under rules adopted by the department,
12 establish, monitor, and enforce accuracy standards for electronic
13 scanners used in retail sales except within jurisdictions that city
14 sealers are appointed.

15 **Sec. 3.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read
16 as follows:

17 (1) The department shall establish reasonable, biennial inspection
18 and testing fees for each type or class of weighing or measuring
19 instrument or device required to be inspected and tested under this
20 chapter. These inspection and testing fees shall be equitably prorated
21 within each such type or class and shall be limited to those amounts
22 necessary for the department to cover, to the extent possible, the
23 direct costs associated with the inspection and testing of each type or
24 class of weighing or measuring instrument or device.

25 (2) For business sites located within the jurisdiction of the
26 department, the department shall charge an annual registration fee for
27 electronic scanners of seventy-five dollars for each retail business
28 site that has at least one scanner. Each subsequent inspection at a
29 business site because of failure to meet accuracy standards shall be
30 charged a fee equivalent to the annual fee.

31 (3) Prior to the establishment and each amendment of the fees
32 authorized under this chapter, a weights and measures fee task force
33 shall be convened under the direction of the department. The task
34 force shall be composed of a representative from the department who
35 shall serve as chair and one representative from each of the following:
36 City sealers, service agents, service stations, grocery stores,
37 retailers, food processors/dealers, oil heat dealers, the agricultural
38 community, and liquid propane dealers. The task force shall recommend

1 the appropriate level of fees to be assessed by the department pursuant
2 to subsection (1) of this section, based upon the level necessary to
3 cover the direct costs of administering and enforcing the provisions of
4 this chapter and to the extent possible be consistent with fees
5 reasonably and customarily charged in the private sector for similar
6 services.

7 ~~((+3))~~ (4) The fees authorized under this chapter may be billed
8 only after the director or a city sealer has issued an official seal of
9 approval for a weighing or measuring instrument or device or a weight
10 or measure standard.

11 ~~((+4))~~ (5) All fees shall become due and payable thirty days after
12 billing by the department or a city sealer. A late penalty of one and
13 one-half percent per month may be assessed on the unpaid balance more
14 than thirty days in arrears.

15 ~~((+5))~~ (6) Fees upon weighing or measuring instruments or devices
16 within the jurisdiction of the city that are collected under this
17 section by city sealers shall be deposited into the general fund, or
18 other account, of the city as directed by the governing body of the
19 city. On the thirtieth day of each month, city sealers shall, pursuant
20 to procedures established and upon forms provided by the director,
21 remit to the department for administrative costs ten percent of the
22 total fees collected.

23 ~~((+6))~~ (7) With the exception of subsection ~~((+7))~~ (8) of this
24 section, no person shall be required to pay more than the established
25 inspection and testing fee adopted under this section for any weighing
26 or measuring instrument or device in any two-year period when the same
27 has been found to be correct.

28 ~~((+7))~~ (8) Whenever a special request is made by the owner for the
29 inspection and testing of a weighing or measuring instrument or device,
30 the fee prescribed by the director for such a weighing or measuring
31 instrument or device shall be paid by the owner.

32 NEW SECTION. **Sec. 4.** (1) Electronic scanner screens installed
33 after January 1, 1996, and used in retail establishments must be
34 visible to the consumer at the checkout line.

35 (2) The director shall verify advertised prices and price
36 representations, as deemed necessary, to determine (a) the accuracy of
37 prices and computations and the correct use of the equipment, and (b)

1 if such system utilizes scanning or coding means in lieu of manual
2 entry, the accuracy of prices printed or recalled from a data base.

3 (3) In carrying out the provisions of this section, the director
4 shall (a) employ recognized procedures, such as those designated in
5 national institute of standards and technology handbook 130, "price
6 verification," (b) issue necessary rules regarding the accuracy of
7 advertised prices and electronic scanner systems for retail price
8 charging, for the enforcement of this section, and (c) conduct
9 investigations to ensure compliance.

10 NEW SECTION. **Sec. 5.** A civil action may be brought by the
11 director in superior court to recover a civil penalty of: (1) Not less
12 than fifty dollars nor more than two hundred dollars for a first
13 violation; (2) not less than one hundred dollars nor more than five
14 hundred dollars for a second violation within two years from the date
15 of the first violation; and (3) not less than five hundred dollars nor
16 more than one thousand dollars for a third violation within two years
17 from the date of the first violation.

18 NEW SECTION. **Sec. 6.** The department shall provide a complaint
19 filing procedure for consumers regarding price or computation
20 inaccuracy of electronic scanners. The department shall monitor more
21 frequently a retail establishment that has had a complaint filed
22 against it, until the department is satisfied that the condition upon
23 which the complaint is based is adequately addressed and corrected.

24 NEW SECTION. **Sec. 7.** The department shall develop a written
25 report on the implementation of chapter . . . , Laws of 1995 (this act)
26 that provides information including but not limited to the number of
27 inspections conducted, the results of the inspections, the number of
28 warnings issued, and the number of enforcement actions taken. The
29 report shall be submitted to the secretary of the senate and chief
30 clerk of the house of representatives by December 15, 1995, and on
31 December 15 of each even-numbered year.

32 NEW SECTION. **Sec. 8.** Sections 4 through 7 of this act are each
33 added to chapter 19.94 RCW.

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