

SENATE BILL NO. 464—COMMITTEE ON FINANCE  
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Natural Resources

SUMMARY—Renames the State Sealer of Weights and Measures and the Division of Measurement Standards within the State Department of Agriculture. (BDR 50-1148)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; renaming the Division of Measurement Standards within the State Department of Agriculture as the Division of Consumer Equitability; renaming the State Sealer of Weights and Measures as the State Sealer of Consumer Equitability; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law creates the Division of Measurement Standards within the State  
2 Department of Agriculture and designates the Director of the Department as ex  
3 officio State Sealer of Weights and Measures. (NRS 561.108, 561.155) This bill  
4 renames: (1) the Division of Measurement Standards as the Division of Consumer  
5 Equitability; and (2) the State Sealer of Weights and Measures as the State Sealer  
6 of Consumer Equitability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 561.108 is hereby amended to read as follows:  
2 561.108 1. The Division of ~~Measurement Standards~~  
3 *Consumer Equitability* is hereby created within the Department.  
4 The Director shall appoint an Administrator of the Division who  
5 shall administer all activities and services of the Division.



2. The Division of ~~{Measurement Standards}~~ *Consumer Equitability* shall administer and enforce the provisions of chapters 581 and 582 of NRS and NRS 590.010 to 590.450, inclusive.

**Sec. 2.** NRS 561.155 is hereby amended to read as follows:

561.155 The Director is hereby designated and appointed ex officio State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*, and shall carry out all the duties of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* as provided by law.

**Sec. 3.** NRS 482.485 is hereby amended to read as follows:

482.485 1. The provisions of chapter 582 of NRS (Public Weighmasters) are hereby made applicable to this chapter.

2. Except as otherwise provided in subsection 6, all motor vehicles required to be weighed under the provisions of this chapter must be weighed by a public weighmaster under such rules and regulations as may be deemed advisable by the Director and the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*, and according to the provisions of chapter 582 of NRS.

3. The Department for registration purposes only may collect a fee, not to exceed \$1, for each vehicle weighed by the Department.

4. From time to time, upon request of the Director, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall appoint additional public weighmasters, according to the provisions of chapter 582 of NRS, as may be necessary to effectuate the purposes of this chapter.

5. Public weighmasters' certificates issued in states other than Nevada, when such certificates bear the seal of such weighmaster, may be accepted by the Director as evidence of the weight of the motor vehicle for which a license is applied.

6. In lieu of weighing a farm vehicle pursuant to subsection 2, the farmer or rancher who uses the farm vehicle may:

(a) Weigh the farm vehicle on a scale which has been certified by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*; and

(b) Use a printout from that scale setting forth the declared gross weight of the farm vehicle as proof of the declared gross weight of the farm vehicle for purposes of this chapter.

**Sec. 4.** NRS 581.0045 is hereby amended to read as follows:

581.0045 "Division" means the Division of ~~{Measurement Standards}~~ *Consumer Equitability* of the State Department of Agriculture.

**Sec. 5.** NRS 581.030 is hereby amended to read as follows:

581.030 The Director of the State Department of Agriculture, as ex officio State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*, shall enforce the provisions of this chapter.



1     **Sec. 6.** NRS 581.050 is hereby amended to read as follows:

2     581.050 1. The State Sealer of ~~{Weights and Measures}~~  
3     **Consumer Equitability** may:

4     (a) Adopt regulations necessary to carry out the provisions of  
5     this chapter.

6     (b) Ensure that those regulations comply, insofar as practicable,  
7     with the specifications, tolerances and regulations recommended by  
8     the National Institute of Standards and Technologies.

9     (c) Adopt regulations for the submission for approval of types  
10    and designs of weights and measures and commercial weighing and  
11    measuring equipment.

12    2. The State Sealer of ~~{Weights and Measures}~~ **Consumer**  
13    **Equitability** shall adopt regulations which prescribe the:

14    (a) Standards for weighing and measuring devices;

15    (b) Requirements for the issuance of a certificate of registration  
16    pursuant to NRS 581.103; and

17    (c) Standards for the equipment used to repair or adjust  
18    weighing or measuring devices.

19    **Sec. 7.** NRS 581.057 is hereby amended to read as follows:

20    581.057 The State Sealer of ~~{Weights and Measures}~~  
21    **Consumer Equitability** may, if necessary for the enforcement of this  
22    chapter and any regulations adopted pursuant thereto:

23    1. Enter any commercial premises during normal business  
24    hours upon presenting his or her credentials.

25    2. Issue stop-use, hold and removal orders for any weights and  
26    measures commercially used, and issue stop-sale, hold and removal  
27    orders for any packaged commodities or bulk sale commodities that  
28    are kept, offered or exposed for sale.

29    3. Seize, for use as evidence, without formal warrant, any  
30    incorrect or unapproved weight, measure, package or commodity  
31    found to be used, retained, offered or exposed for sale, or sold in  
32    violation of any provision of this chapter or any regulation adopted  
33    pursuant thereto.

34    4. Stop any commercial vehicle and, after presentation of his or  
35    her credentials, inspect the contents of the vehicle, require the  
36    person in charge of the vehicle to produce any documents in the  
37    person's possession concerning the contents of the vehicle, and  
38    require that person to proceed with the vehicle to some specified  
39    place for inspection.

40    **Sec. 8.** NRS 581.059 is hereby amended to read as follows:

41    581.059 The State Sealer of ~~{Weights and Measures}~~  
42    **Consumer Equitability** may apply to any court of competent  
43    jurisdiction for a restraining order, temporary or permanent  
44    injunction, restraining a person from violating any provision of this  
45    chapter or any regulation adopted pursuant thereto.



**Sec. 9.** NRS 581.065 is hereby amended to read as follows:

581.065 The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall:

1. Ensure that weights and measures used in commercial services within this state are suitable for their intended use, are properly installed and accurate, and are so maintained by their owner or user.

2. Prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within this state.

3. Make available to all users of physical standards, or of weighing and measuring equipment, the precision calibration and related metrological certification capabilities of the facilities of the Division.

4. Promote uniformity, to the extent practicable and desirable, between the requirements relating to weights and measures of this state and similar requirements of other states and federal agencies.

5. Adopt regulations establishing such requirements relating to weights and measures as are necessary to ensure equity between buyers and sellers, and thereby encourage desirable economic growth while protecting consumers.

**Sec. 10.** NRS 581.067 is hereby amended to read as follows:

581.067 The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall:

1. Adopt regulations establishing such primary standards and secondary standards for weights and measures for use in this State as the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* determines appropriate.

2. Maintain traceability of the state standards to the national standards of the National Institute of Standards and Technology.

3. Enforce the provisions of this chapter.

4. Adopt other reasonable regulations for the enforcement of this chapter.

5. Establish requirements for:

(a) Labeling;

(b) The presentation of information relating to cost per unit;

(c) Standards of weight, measure or count, and reasonable standards of fill, for any packaged commodity; and

(d) Information relating to open dating of packaged food.

6. Grant such exemptions from the provisions of this chapter or any regulations adopted pursuant thereto as the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* determines appropriate to the maintenance of good commercial practices within this State.



7. Conduct investigations to ensure compliance with this chapter.

8. Delegate to appropriate personnel any of the responsibilities of the Division as needed for the proper administration of the Division.

9. Adopt regulations establishing a schedule of civil penalties for any violation of NRS 581.415.

10. Inspect and test commercial weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used to:

(a) Determine the weight, measure or count of commodities or things that are sold, or offered or exposed for sale, on the basis of weight, measure or count; or

(b) Compute the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test all weights and measures used in checking the receipt or disbursement of supplies by entities funded by legislative appropriations.

13. Approve for use such commercial weights and measures as the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* determines are correct and appropriate. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* may mark such commercial weights and measures. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall reject and order to be corrected, replaced or removed any commercial weights and measures found to be incorrect. Weights and measures that have been rejected may be seized if they are not corrected within the time specified or if they are used or disposed of in a manner not specifically authorized. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall remove from service and may seize weights and measures found to be incorrect that are not capable of being made correct.

14. Weigh, measure or inspect packaged commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether the packaged commodities contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or the regulations adopted pursuant thereto. In carrying out the provisions of this subsection, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall employ recognized sampling procedures, including, without limitation, sampling procedures adopted by the National Conference on Weights and Measures.

15. Adopt regulations prescribing the appropriate term or unit of weight or measure to be used whenever the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* determines that an



1 existing practice of declaring the quantity of a commodity, or of  
2 setting charges for a service by weight, measure, numerical count or  
3 time, or any combination thereof, does not facilitate value  
4 comparisons by consumers or may confuse consumers.

5 16. Allow reasonable variations from the stated quantity of  
6 contents that entered intrastate commerce, which must include those  
7 variations caused by loss or gain of moisture during the course of  
8 good distribution practices or by unavoidable deviations in good  
9 manufacturing practices.

10 17. Provide for the training of persons employed by any  
11 governmental entity within this State, including, without limitation,  
12 state, county and municipal personnel, who enforce the provisions  
13 of this chapter and chapter 582 of NRS, and any regulations adopted  
14 pursuant thereto, relating to weights and measures. The State Sealer  
15 of ~~{Weights and Measures}~~ *Consumer Equitability* may establish by  
16 regulation minimum training and performance requirements which  
17 must be met by all such persons.

18 18. Verify advertised prices, price representations and point-of-  
19 sale systems, as necessary, to determine the accuracy of prices and  
20 computations and the correct use of the equipment, and, if such  
21 systems utilize scanning or coding means in lieu of manual entry,  
22 the accuracy of prices printed or recalled from a database. In  
23 carrying out the provisions of this subsection, the State Sealer of  
24 ~~{Weights and Measures}~~ *Consumer Equitability* shall:

25 (a) Employ recognized procedures for making such verifications  
26 and determinations of accuracy, including, without limitation, any  
27 appropriate procedures designated by the National Institute of  
28 Standards and Technology;

29 (b) Adopt regulations and issue orders regarding standards for  
30 the accuracy of advertised prices and automated systems for retail  
31 price charging, or point-of-sale systems, and for the enforcement of  
32 those standards; and

33 (c) Conduct investigations to ensure compliance with those  
34 standards.

35 **Sec. 11.** NRS 581.075 is hereby amended to read as follows:

36 581.075 The State Sealer of ~~{Weights and Measures}~~  
37 *Consumer Equitability* may establish:

38 1. A schedule of fees for any tests of weighing and measuring  
39 devices that the State Sealer of ~~{Weights and Measures}~~ *Consumer*  
40 *Equitability* determines to be necessary.

41 2. An annual fee for the issuance of a certificate of registration  
42 pursuant to NRS 581.103.

43 3. An annual license fee for all commercial weighing and  
44 measuring equipment.



**Sec. 12.** NRS 581.103 is hereby amended to read as follows:

581.103 1. Any person who wishes to make any repair or adjustment, for hire, to a weighing or measuring device must submit to the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability*;

(a) An application for a certificate of registration on a form provided by the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability*;

(b) The statement required pursuant to NRS 581.1032;

(c) The annual fee prescribed by regulation pursuant to subsection 2 of NRS 581.075; and

(d) Such other information required by the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability*.

2. An application for a certificate of registration must include the social security number of the applicant.

**Sec. 13.** NRS 581.1032 is hereby amended to read as follows:

581.1032 1. An applicant for the issuance or renewal of a certificate of registration pursuant to NRS 581.103 shall submit to the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability* the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability* shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration; or

(b) A separate form prescribed by the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability*.

3. A certificate of registration may not be issued or renewed by the State Sealer of ~~{Weights and Measures:}~~ *Consumer Equitability* pursuant to NRS 581.103 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the



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1 order, the State Sealer of ~~{Weights and Measures}~~ *Consumer*  
2 *Equitability* shall advise the applicant to contact the district attorney  
3 or other public agency enforcing the order to determine the actions  
4 that the applicant may take to satisfy the arrearage.

5 **Sec. 14.** NRS 581.1034 is hereby amended to read as follows:

6 581.1034 1. If the State Sealer of ~~{Weights and Measures}~~  
7 *Consumer Equitability* receives a copy of a court order issued  
8 pursuant to NRS 425.540 that provides for the suspension of all  
9 professional, occupational and recreational licenses, certificates and  
10 permits issued to a person who is the holder of a certificate of  
11 registration issued pursuant to NRS 581.103, the State Sealer of  
12 ~~{Weights and Measures}~~ *Consumer Equitability* shall deem the  
13 certificate of registration issued to that person to be suspended at the  
14 end of the 30th day after the date on which the court order was  
15 issued unless the State Sealer of ~~{Weights and Measures}~~ *Consumer*  
16 *Equitability* receives a letter issued to the holder of the certificate of  
17 registration by the district attorney or other public agency pursuant  
18 to NRS 425.550 stating that the holder of the certificate of  
19 registration has complied with the subpoena or warrant or has  
20 satisfied the arrearage pursuant to NRS 425.560.

21 2. The State Sealer of ~~{Weights and Measures}~~ *Consumer*  
22 *Equitability* shall reinstate a certificate of registration issued  
23 pursuant to NRS 581.103 that has been suspended by a district court  
24 pursuant to NRS 425.540 if the State Sealer of ~~{Weights and~~  
25 ~~Measures}~~ *Consumer Equitability* receives a letter issued by the  
26 district attorney or other public agency pursuant to NRS 425.550 to  
27 the person whose certificate of registration was suspended stating  
28 that the person whose certificate of registration was suspended has  
29 complied with the subpoena or warrant or has satisfied the arrearage  
30 pursuant to NRS 425.560.

31 **Sec. 15.** NRS 581.304 is hereby amended to read as follows:

32 581.304 1. Except as otherwise provided in this chapter, any  
33 random weight package or standard package kept, offered or  
34 exposed for sale, must bear on the outside of the package a definite,  
35 plain and conspicuous declaration of:

36 (a) The identity of the commodity in the package, unless the  
37 commodity is a food, other than meat or poultry, that was  
38 repackaged in a retail establishment and displayed to the purchaser  
39 where:

40 (1) The interstate labeling for the repackaged food is clearly  
41 in view or the food has a counter card, sign or other appropriate  
42 device bearing prominently and conspicuously the common or usual  
43 name of the food; or

44 (2) The common or usual name of the food is clearly  
45 revealed by its appearance;





(b) The quantity of contents of the package, in terms of weight, measure or count; and

(c) If the package is kept, offered or exposed for sale, or sold, in any place other than on the premises where packed, the name and place of business of the manufacturer, packer or distributor.

2. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* may exempt any type of random weight package or standard package, or commodity from the provisions of this section by regulation.

**Sec. 16.** NRS 581.320 is hereby amended to read as follows:

581.320 1. All fluid dairy products must be packaged for retail sale in:

(a) Units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon; or

(b) Such other amounts as are approved, jointly, by the State Dairy Commission and the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*.

2. Each container used for the sale of such products must:

(a) Be marked with its capacity;

(b) Be marked with the name, initial or trademark of the manufacturer;

(c) Be marked with such other information as required by the State Dairy Commission and the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*; and

(d) If the fluid dairy product is packaged for retail sale in an amount other than a unit of measure listed in paragraph (a) of subsection 1, be marked with its capacity in fluid ounces and a comparison of that quantity with the unit of measure that is closest in volume in sufficient size and prominence to inform the public of the difference in volume.

3. This section does not apply to eating establishments serving milk in glasses with meals.

**Sec. 17.** NRS 581.365 is hereby amended to read as follows:

581.365 1. Except as otherwise provided by regulation or order of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or by established trade custom and practice recognized by regulation or order of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*:

(a) Commodities in liquid form must be sold by liquid measure or by weight; and

(b) Commodities not in liquid form must be sold by weight, by measure or by count.



2. The method of sale of a commodity must provide such accurate and adequate information concerning quantity as will enable the buyer to make price and quantity comparisons.

**Sec. 18.** NRS 581.385 is hereby amended to read as follows:

581.385 All bulk sales in which the buyer and seller are not both present to witness the measurement, all bulk deliveries of heating fuel and all other bulk sales specified by regulation of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* must be accompanied by a delivery ticket containing:

1. The name and address of the buyer and seller;

2. The date delivered;

3. The quantity delivered and the quantity upon which the price is based, if the quantity upon which the price is based differs from the quantity delivered;

4. The unit price, unless otherwise agreed upon by both the buyer and seller;

5. The identity of the commodity, in the most descriptive terms commercially practicable, including any representation about the quality of the commodity made in connection with the sale; and

6. Where commodities are bought from bulk but delivered in packages, the count of individually wrapped packages if more than one individually wrapped package is being sold.

**Sec. 19.** NRS 581.415 is hereby amended to read as follows:

581.415 1. A person shall not:

(a) Use in commerce, or have in his or her possession for use in commerce, any incorrect weight or measure;

(b) Sell or offer for sale for use in commerce any incorrect weight or measure;

(c) Remove any tag, seal or mark from any weight or measure without specific written authorization from the proper authority;

(d) Hinder or obstruct any inspector of the Division in the performance of the inspector's duties; or

(e) Violate any provisions of this chapter or any regulation adopted pursuant thereto.

2. A person who violates any provision of this section is, in addition to any criminal penalty that may be imposed, subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* pursuant to subsection 9 of NRS 581.067.

**Sec. 20.** NRS 581.417 is hereby amended to read as follows:

581.417 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or a designee shall conduct the hearing after giving appropriate notice to the respondent. The decision of the



1 State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or  
2 the designee is subject to appropriate judicial review.

3 2. If the respondent has exhausted all administrative appeals  
4 and the civil penalty has been upheld, the respondent shall pay the  
5 civil penalty:

6 (a) If no petition for judicial review is filed pursuant to NRS  
7 233B.130, within 40 days after the final decision of the State Sealer  
8 of ~~{Weights and Measures}~~ *Consumer Equitability*; or

9 (b) If a petition for judicial review is filed pursuant to NRS  
10 233B.130 and the civil penalty is upheld, within 10 days after the  
11 effective date of the final decision of the court.

12 3. If the respondent fails to pay the penalty, a civil action may  
13 be brought by the State Sealer of ~~{Weights and Measures}~~  
14 *Consumer Equitability* in any court of competent jurisdiction to  
15 recover the civil penalty. All civil penalties collected pursuant to  
16 this chapter must be deposited with the State Treasurer for credit  
17 to the State General Fund.

18 **Sec. 21.** NRS 582.004 is hereby amended to read as follows:

19 582.004 "Division" means the Division of ~~{Measurement~~  
20 ~~Standards}~~ *Consumer Equitability* of the State Department of  
21 Agriculture.

22 **Sec. 22.** NRS 582.021 is hereby amended to read as follows:

23 582.021 The State Sealer of ~~{Weights and Measures}~~  
24 *Consumer Equitability* shall:

25 1. Enforce the provisions of this chapter;

26 2. Adopt regulations establishing a schedule of civil penalties  
27 for any violation of this chapter;

28 3. Adopt reasonable regulations for the enforcement of this  
29 chapter; and

30 4. Adopt regulations relating to public weighing that include,  
31 without limitation:

32 (a) The qualifications of an applicant for a license as a public  
33 weighmaster;

34 (b) Requirements for the renewal of a license as a public  
35 weighmaster;

36 (c) The period of validity of a license as a public weighmaster;

37 (d) Measurement practices that must be followed, including the  
38 measurement or recording of tare weight;

39 (e) The required information to be submitted with or as part of a  
40 certificate of weights and measures; and

41 (f) The period for which records must be kept.

42 **Sec. 23.** NRS 582.025 is hereby amended to read as follows:

43 582.025 The State Sealer of ~~{Weights and Measures}~~  
44 *Consumer Equitability* may adopt such regulations as are  
45 reasonably necessary to carry out the provisions of this chapter. Any



1 such regulations shall comply, insofar as practicable, with  
2 specifications, tolerances and regulations recommended by the  
3 National Institute of Standards and Technologies.

4 **Sec. 24.** NRS 582.026 is hereby amended to read as follows:

5 582.026 The State Sealer of ~~{Weights and Measures}~~  
6 *Consumer Equitability* may apply to a court of competent  
7 jurisdiction for a restraining order, or a temporary or permanent  
8 injunction, restraining a person from violating any provision of this  
9 chapter or any regulation adopted pursuant thereto.

10 **Sec. 25.** NRS 582.028 is hereby amended to read as follows:

11 582.028 Except as otherwise provided in NRS 582.029, to act  
12 as a public weighmaster, a person must receive a license from the  
13 State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*. To  
14 qualify for a license, a person must:

- 15 1. Be able to weigh and measure accurately;
- 16 2. Be able to generate correct certificates of weights and  
17 measures; and
- 18 3. Possess such other qualifications as required by the  
19 regulations adopted pursuant to this chapter.

20 **Sec. 26.** NRS 582.030 is hereby amended to read as follows:

21 582.030 1. Any person may apply to the State Sealer of  
22 ~~{Weights and Measures}~~ *Consumer Equitability* for licensure as a  
23 public weighmaster with authority to issue state certificates of  
24 weights and measures upon which the purchase or sale of  
25 commodities or charge for services or equipment will be based.

26 2. Before issuing a license as a public weighmaster, the State  
27 Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or a  
28 deputy thereof must:

- 29 (a) Test all weighing apparatus to be used.
- 30 (b) Inspect the premises intended for such use.
- 31 (c) Be satisfied that the applicant is in every way equipped,  
32 qualified, competent and of such character that the person should be  
33 issued a license as a public weighmaster.

34 **Sec. 27.** NRS 582.031 is hereby amended to read as follows:

35 582.031 An applicant for a license as a public weighmaster  
36 must furnish evidence on a form provided by the State Sealer of  
37 ~~{Weights and Measures}~~ *Consumer Equitability* that the applicant  
38 has the qualifications required by NRS 582.028.

39 **Sec. 28.** NRS 582.0311 is hereby amended to read as follows:

40 582.0311 The State Sealer of ~~{Weights and Measures}~~  
41 *Consumer Equitability* shall determine the qualifications of an  
42 applicant for a license as a public weighmaster based on:

- 43 1. The information provided on the application and any  
44 supplementary information determined appropriate by the State  
45 Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*; and



2. The results of an examination of the knowledge of the applicant.

**Sec. 29.** NRS 582.032 is hereby amended to read as follows:

582.032 1. An applicant for the issuance or renewal of a license as a public weighmaster shall submit to the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of a license as a public weighmaster; or

(b) A separate form prescribed by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*.

3. A license as a public weighmaster may not be issued or renewed by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* pursuant to NRS 581.103 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 30.** NRS 582.040 is hereby amended to read as follows:

582.040 If satisfied with the qualifications of the applicant, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall issue a license as a public weighmaster, for which license the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall charge a fee established by regulation of the State Board of Agriculture.



**Sec. 31.** NRS 582.043 is hereby amended to read as follows:

582.043 The State Sealer of ~~{Weights and Measures}~~  
*Consumer Equitability* shall:

1. Grant licenses as public weighmasters to qualified applicants; and

2. Keep a record of all applications submitted and all licenses issued.

**Sec. 32.** NRS 582.045 is hereby amended to read as follows:

582.045 1. If the State Sealer of ~~{Weights and Measures}~~  
*Consumer Equitability* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a public weighmaster, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall deem the license to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall reinstate a license of appointment as a public weighmaster suspended by a district court pursuant to NRS 425.540 if the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 33.** NRS 582.049 is hereby amended to read as follows:

582.049 The State Sealer of ~~{Weights and Measures}~~  
*Consumer Equitability* may suspend or revoke the license of a public weighmaster:

1. When, following a hearing held after 10 days' notice to the licensee, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* is satisfied that the licensee has violated a provision of this chapter or any regulation adopted pursuant thereto;

2. When the licensee has been convicted in a court of competent jurisdiction of violating a provision of this chapter or any regulation adopted pursuant thereto; or

3. When the licensee is convicted of a felony.



**Sec. 34.** NRS 582.085 is hereby amended to read as follows:

582.085 1. A certificate of weights and measures, when properly filled out and signed, is prima facie evidence of the accuracy of the measurements shown.

2. The design of and the information to be furnished on a certificate of weights and measures must be prescribed by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* by regulation, and include, without limitation:

(a) The name and license number of the public weighmaster;  
(b) The kind of commodity weighed, measured or counted;  
(c) The name of the owner, agent or consignee of the commodity;

(d) The name of the recipient of the commodity, if applicable;

(e) The date on which the certificate is issued;

(f) The consecutive number of the certificate;

(g) The identification, including any identification number, of the carrier transporting the commodity, and the identification number or license number of the vehicle;

(h) Any relevant information needed to distinguish or identify the commodity from a like kind;

(i) The number of units of the commodity, if applicable;

(j) The measure of the commodity, if applicable;

(k) The weight or mass of the commodity and the vehicle or container, if applicable, as follows:

(1) The gross weight of the commodity and the associated vehicle or container;

(2) The tare weight of the unladen vehicle or container; or

(3) Both the gross and tare weight and the resultant net weight of the commodity; and

(l) The signature of the public weighmaster who determined the weight, measure or count.

**Sec. 35.** NRS 582.115 is hereby amended to read as follows:

582.115 A public weighmaster shall keep and preserve a legible copy of each certificate of weights and measures which the public weighmaster issues for the period specified by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* by regulation. The certificates must be available for inspection by an authorized employee of the Division during normal office hours.

**Sec. 36.** NRS 582.125 is hereby amended to read as follows:

582.125 The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* may recognize and accept certificates of weights and measures issued by licensed public weighmasters of any other state if that other state recognizes and accepts certificates of weights and measures issued by licensed public weighmasters of this state.





**Sec. 37.** NRS 582.210 is hereby amended to read as follows:

582.210 1. Except as otherwise provided in subsection 2:

(a) A public weighmaster shall not weigh a vehicle or combination of vehicles when part of the vehicle or connected combination is not resting fully, completely and as one entire unit on the scale.

(b) When weighing a combination of vehicles that will not rest fully, completely and as one complete unit on the scale platform:

(1) The combination of vehicles must be disconnected and weighed in single drafts; and

(2) The weights of the single drafts may be combined in order to issue a single certificate of weights and measures for the combination, provided that the certificate indicates that the total represents a combination of single draft weighings.

2. A public weighmaster who operates a vehicle scale that was installed before January 1, 2004, may apply to the State Sealer of ~~Weights and Measures~~ *Consumer Equitability* for a permanent variance from the requirements of subsection 1 that would allow the split weighing of certain vehicles or combinations of vehicles. The request must contain:

(a) The name, address and telephone number of the public weighmaster and the reason for the request.

(b) The name of the manufacturer, and the type, location, deck length, serial number and capacity, of the vehicle scale.

(c) The maximum distance between the front and rear outer axles of a vehicle or combination of vehicles to which the variance would apply.

(d) A statement certifying that, during the split weighing of any vehicle or combination of vehicles, the public weighmaster will verify that:

(1) Each axle of the vehicle or combination of vehicles rests on a straight surface which is level with the deck of the vehicle scale or which, if not level, the amount by which it is out of level does not exceed 1/3 inch per foot of distance between the deck of the vehicle scale and the axle;

(2) The brakes of the vehicle or combination of vehicles are not used; and

(3) The transmission of the vehicle or combination of vehicles is in neutral.

**Sec. 38.** NRS 582.300 is hereby amended to read as follows:

582.300 1. A person shall not:

(a) Except as otherwise provided in NRS 582.029, act as a public weighmaster without a valid license, including, without limitation:



(1) Assuming the title of public weighmaster or any similar title;

(2) Performing the duties or acts to be performed by a public weighmaster;

(3) Holding himself or herself out as a public weighmaster;

(4) Issuing any certificate of weights and measures, ticket, memorandum or statement for which a fee is charged; or

(5) Engaging in a full-time or part-time business of measuring for hire;

(b) Use or operate any device for purposes of certification that does not meet, or is not operated in accordance with, the provisions of chapter 581 of NRS and any regulations adopted pursuant thereto relating to the specifications, tolerances and other technical requirements for weighing and measuring devices;

(c) Falsify a certificate of weights and measures or falsely certify any gross, tare or net weight or measure required by this chapter to be on the certificate;

(d) Refuse without cause to weigh or measure any article or thing which is the person's duty to weigh or measure, or refuse to state in any certificate anything required to be therein;

(e) Hinder or obstruct in any way the State Sealer of ~~Weights and Measures~~ *Consumer Equitability* or an authorized agent thereof in the performance of the official duties of the State Sealer of ~~Weights and Measures~~ *Consumer Equitability* under this chapter;

(f) Violate any provision of this chapter or any regulation adopted pursuant thereto;

(g) Delegate his or her authority to a person not licensed as a public weighmaster;

(h) Request a false certificate of weights and measures, or request a public weighmaster to weigh, measure or count property or produce, or a vehicle, commodity or any other article falsely or incorrectly;

(i) Issue a certificate simulating the certificate of weights and measures issued pursuant to this chapter; or

(j) Use or possess a device for weighing and measuring which has been altered to facilitate fraud.

2. A person who violates any provision of this section is, in addition to any criminal penalty that may be imposed, subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of ~~Weights and Measures~~ *Consumer Equitability* pursuant to NRS 582.021.

**Sec. 39.** NRS 582.310 is hereby amended to read as follows:

582.310 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of



1 the civil penalty. The State Sealer of ~~{Weights and Measures}~~  
2 *Consumer Equitability* or a designee thereof shall conduct the  
3 hearing after giving appropriate notice to the respondent. The  
4 decision of the State Sealer of ~~{Weights and Measures}~~ *Consumer*  
5 *Equitability* or designee is subject to appropriate judicial review.

6 2. If the respondent has exhausted all administrative appeals  
7 and the civil penalty has been upheld, the respondent shall pay the  
8 civil penalty:

9 (a) If no petition for judicial review is filed pursuant to NRS  
10 233B.130, within 40 days after the final decision of the State Sealer  
11 of ~~{Weights and Measures}~~ *Consumer Equitability*; or

12 (b) If a petition for judicial review is filed pursuant to NRS  
13 233B.130 and the civil penalty is upheld, within 10 days after the  
14 effective date of the final decision of the court.

15 3. If the respondent fails to pay the civil penalty, a civil action  
16 may be brought by the State Sealer of ~~{Weights and Measures}~~  
17 *Consumer Equitability* in any court of competent jurisdiction to  
18 recover the civil penalty. All civil penalties collected pursuant to  
19 this chapter must be remitted to the county treasurer of the county in  
20 which the violation occurred for credit to the county school district  
21 fund.

22 **Sec. 40.** NRS 590.063 is hereby amended to read as follows:

23 590.063 1. The use of pumps, dispensers or other devices  
24 which are capable of withdrawing gasoline from each of two tanks  
25 containing different qualities of the same petroleum product or  
26 motor vehicle fuel and dispensing them as a single combined  
27 product must be authorized if the Division of ~~{Measurement~~  
28 ~~Standards}~~ *Consumer Equitability* of the State Department of  
29 Agriculture determines that all the following conditions exist:

30 (a) The device mechanism accurately measures the quantities of  
31 the gasoline being simultaneously withdrawn from each of the two  
32 tanks and the quantity dispensed.

33 (b) The device mechanism accurately and visibly records and  
34 displays the resulting combined quality, the total quantity, the price  
35 per gallon for the particular quality combination being dispensed  
36 and the total price of the quantity of gasoline dispensed at the  
37 particular sale.

38 (c) The device has a locking selector mechanism which prevents  
39 the changing of the proportion of the two qualities being combined  
40 during the dispensing of the desired quantity.

41 2. The provisions of this section authorize the operation of a  
42 blending type of pump or dispenser connected to two tanks  
43 containing two different grades of the same product, which, if  
44 blended together in different proportions, will produce gasoline of



different octane rating, each blend of which meets the specifications for gasoline as required by this chapter.

**Sec. 41.** NRS 590.065 is hereby amended to read as follows:

590.065 1. The use of pumps, dispensers or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline must be authorized if the Division of ~~Measurement Standards~~ *Consumer Equitability* of the State Department of Agriculture determines that all the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed, and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for gasoline being dispensed and the price per quart for motor oil being dispensed, or accurately and visibly records and displays the ratio of gasoline to motor oil and the total volume of the oil and gasoline mixture delivered, and computes the total cost based upon the price set for the finished blend.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism panel a sign or label plainly visible consisting of the words "two-cycle motor fuel" together with the brand name or trademark of the product, all of which must be in letters not less than one-half inch in height.

2. The provisions of this section authorize the operation of a blending type of pump or dispenser connected to two tanks, one containing motor oil and the other gasoline, but only if the motor oil in its separate state meets the specifications for lubricating oil as required by NRS 590.080 and the gasoline in its separate state meets the specifications for gasoline as required by NRS 590.070.

**Sec. 42.** NRS 590.073 is hereby amended to read as follows:

590.073 1. It is unlawful for any person to sell, offer for sale or assist in the sale of, or permit to be sold or offered for sale, any aviation fuel unless such fuel conforms to the specification standards prescribed by regulation of the State Sealer of ~~Weights and Measures~~ *Consumer Equitability*. The State Sealer of ~~Weights and Measures~~ *Consumer Equitability* may follow the specification standards set forth by ASTM International.



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2. This section does not apply to aviation fuel for use by military aircraft.

**Sec. 43.** NRS 590.080 is hereby amended to read as follows:

590.080 1. Except as otherwise provided in subsection 2, crankcase drainings, lube-distillate, or any other petroleum product may not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in the crankcase of an internal combustion engine unless it conforms to the performance rating set forth on its container and the following specifications:

(a) It must be free from water and suspended matter when tested by means of centrifuge, in accordance with the testing procedures approved by the State Sealer of ~~Weights and Measures.~~ *Consumer Equitability.*

(b) The flash points for the various viscosity grade classifications must not be less than the following when tested by the Cleveland Open Cup Method in accordance with the testing procedures approved by the State Sealer of ~~Weights and Measures.~~ *Consumer Equitability.* Except as otherwise provided in this paragraph, the viscosity grade classification number of motor or lubricating oils must conform to the latest Society of Automotive Engineers viscosity classification. Grade numbers 60 and 70 must conform to the requirements listed in this paragraph.

Viscosity Classification	Minimum Flash Degrees Fahrenheit	Viscosity Saybolt Seconds Universal 210 Degrees Fahrenheit
		Fahrenheit
S.A.E. 5W	305	
S.A.E. 10W	335	
S.A.E. 20 and 20W	345	
S.A.E. 30	355	
S.A.E. 40	375	
S.A.E. 50	400	
Grade 60	435	110 to less than 125
Grade 70	470	125 to less than 150

2. The provisions of this section do not apply to any oil labeled "prediluted" or intended only for mixture with gasoline or other motor fuel in a two-cycle engine.

**Sec. 44.** NRS 590.090 is hereby amended to read as follows:

590.090 1. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale any petroleum or petroleum product to be used for heating purposes, unless the petroleum or



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1 petroleum product conforms to the most recent standards adopted by  
2 ASTM International.

3 2. All bulk storage tanks, dispensers and petroleum tank truck  
4 compartment outlets containing or dispensing heating fuel must be  
5 labeled with the brand name and the grade designation of the  
6 heating fuel.

7 3. A person shall not use the numerical grade designation for  
8 heating fuels adopted by ASTM International unless the designation  
9 conforms to that designation. Persons using a designation other than  
10 the numerical grade designation adopted by ASTM International  
11 must file with the Division of ~~{Measurement Standards}~~ *Consumer*  
12 *Equitability* of the State Department of Agriculture the designation  
13 to be used together with its corresponding grade designation of  
14 ASTM International.

15 **Sec. 45.** NRS 590.100 is hereby amended to read as follows:

16 590.100 The State Sealer of ~~{Weights and Measures}~~  
17 *Consumer Equitability* is charged with the proper enforcement of  
18 NRS 590.010 to 590.150, inclusive, and has the following powers  
19 and duties:

20 1. The State Sealer of ~~{Weights and Measures}~~ *Consumer*  
21 *Equitability* may publish reports relating to petroleum products and  
22 motor vehicle fuel in such form and at such times as he or she  
23 deems necessary.

24 2. The State Sealer of ~~{Weights and Measures,}~~ *Consumer*  
25 *Equitability*, or the appointees thereof, shall inspect and check the  
26 accuracy of all measuring devices for petroleum products and motor  
27 vehicle fuel maintained in this State, and shall seal all such devices  
28 whose tolerances are found to be within those prescribed by the  
29 National Institute of Standards and Technology.

30 3. The State Sealer of ~~{Weights and Measures,}~~ *Consumer*  
31 *Equitability*, or the appointees thereof, or any member of the  
32 Nevada Highway Patrol, may take such samples as he or she deems  
33 necessary of any petroleum product or motor vehicle fuel that is  
34 kept, transported or stored within the State of Nevada. It is unlawful  
35 for any person, or any officer, agent or employee thereof, to refuse  
36 to permit the State Sealer of ~~{Weights and Measures,}~~ *Consumer*  
37 *Equitability*, or the appointees thereof, or any member of the  
38 Nevada Highway Patrol, in the State of Nevada, to take such  
39 samples, or to prevent or to attempt to prevent the State Sealer of  
40 ~~{Weights and Measures,}~~ *Consumer Equitability*, or the appointees  
41 thereof, or any member of the Nevada Highway Patrol, from taking  
42 them. If the person, or any officer, agent or employee thereof, from  
43 which a sample is taken at the time of taking demands payment,  
44 then the person taking the sample shall pay the reasonable market  
45 price for the quantity taken.



4. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*, or the appointees thereof, may close and seal the outlets of any unlabeled or mislabeled containers, pumps, dispensers or storage tanks connected thereto or which contain any petroleum product or motor vehicle fuel which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, and shall post, in a conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*, or the appointees thereof, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.

6. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall adopt regulations which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.

**Sec. 46.** NRS 590.110 is hereby amended to read as follows:

590.110 It is unlawful for any person other than the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or his or her appointees to break, mutilate or destroy any seal placed on any container, pump, dispenser or storage tank by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or his or her appointees, or to cover, deface or remove, or attempt to cover, deface or remove, any notice of sealing posted by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or his or her appointees.

**Sec. 47.** NRS 590.160 is hereby amended to read as follows:

590.160 The provisions of NRS 590.160 to 590.330, inclusive, must be administered by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*.





**Sec. 48.** NRS 590.322 is hereby amended to read as follows:

590.322 1. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall adopt regulations establishing a schedule of civil penalties for any violation of NRS 590.160 to 590.330, inclusive.

2. In addition to any criminal penalty that may be imposed, a person who violates any provision of NRS 590.160 to 590.330, inclusive, is subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* pursuant to subsection 1.

**Sec. 49.** NRS 590.324 is hereby amended to read as follows:

590.324 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or a designee thereof shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* or designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*; or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the civil penalty, a civil action may be brought by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* in any court of competent jurisdiction to recover the civil penalty. All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.

**Sec. 50.** NRS 590.380 is hereby amended to read as follows:

590.380 1. Before any antifreeze may be sold, displayed for sale or held with intent to sell within this State, a sample thereof must be inspected annually by the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability*.

2. Upon application of the manufacturer, packer, seller or distributor and the payment of a fee established by regulation of the State Board of Agriculture for each brand of antifreeze submitted, the State Sealer of ~~{Weights and Measures}~~ *Consumer Equitability* shall inspect the antifreeze submitted. If the antifreeze:

(a) Is not adulterated or misbranded;



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(b) Meets the standards of the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability*; and

(c) Is not in violation of NRS 590.340 to 590.450, inclusive, ➔ the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* shall issue to the applicant a written permit authorizing its sale in this State for the fiscal year in which the inspection fee is paid.

3. If the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* at a later date finds that:

(a) The product to be sold, displayed for sale or held with intent to sell has been materially altered or adulterated;

(b) A change has been made in the name, brand or trademark under which the antifreeze is sold; or

(c) The antifreeze violates the provisions of NRS 590.340 to 590.450, inclusive,

➔ the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* shall notify the applicant and the permit must be cancelled forthwith.

**Sec. 51.** NRS 590.400 is hereby amended to read as follows:

590.400 1. The State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* shall enforce the provisions of NRS 590.340 to 590.450, inclusive, by inspections, chemical analyses or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in the State or intended for sale in the State, or the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability*, through his or her agents, may call upon the manufacturer or distributor applying for an inspection of an antifreeze to supply such samples thereof for analysis.

2. The State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability*, through his or her agents, shall have free access at all reasonable times to all places of business, buildings, vehicles, cars and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and he or she may open any box, carton, parcel or package containing or supposed to contain any antifreeze and may take therefrom samples for analysis. If the person, or any officer, agent or employee thereof, from which such sample is taken, at the time of taking demands payment, the person taking such sample shall pay the reasonable market price therefor.

**Sec. 52.** NRS 590.420 is hereby amended to read as follows:

590.420 The State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* may furnish upon request a list of the brands and trademarks of antifreeze inspected by the State Sealer of ~~{Weights and Measures;}~~ *Consumer Equitability* or his or her agents during the fiscal year which have been found to be in accord with NRS 590.340 to 590.450, inclusive.



1     **Sec. 53.** NRS 590.430 is hereby amended to read as follows:

2     590.430 No advertising literature relating to any antifreeze sold  
3 or to be sold in this State shall contain any statement that the  
4 antifreeze advertised for sale has been approved by the State Sealer  
5 of ~~{Weights and Measures;}~~ *Consumer Equitability*; but if any  
6 antifreeze has been inspected by the State Sealer of ~~{Weights and~~  
7 ~~Measures}~~ *Consumer Equitability* and found to meet the standards  
8 of the State Sealer of ~~{Weights and Measures}~~ *Consumer*  
9 *Equitability* and not to be in violation of NRS 590.340 to 590.450,  
10 inclusive, such statement may be contained in any advertising  
11 literature where such brand or trademark of antifreeze is being  
12 advertised for sale.

13     **Sec. 54.** NRS 590.440 is hereby amended to read as follows:

14     590.440 Whenever the State Sealer of ~~{Weights and Measures}~~  
15 *Consumer Equitability* shall discover any antifreeze is being sold or  
16 has been sold in violation of NRS 590.340 to 590.450, inclusive, the  
17 facts shall be furnished to the district attorney of the county where  
18 the violation occurred, who shall institute proper proceedings.

19     **Sec. 55.** NRS 590.605 is hereby amended to read as follows:

20     590.605 1. Whenever the Board has reasonable grounds to  
21 believe that any applicant or licensee under NRS 590.465 to  
22 590.645, inclusive, is violating any of the provisions of NRS  
23 590.465 to 590.645, inclusive, or regulations or specifications  
24 adopted hereunder, or is violating or failing to comply with any of  
25 the health and safety laws or regulations in force in this State, or is  
26 acting or conducting operations in any other manner which the  
27 Board deems to be inimical and not to the best interests of the  
28 health, safety or welfare of the people of this State, the Board may,  
29 after a hearing, suspend or revoke any or all licenses previously  
30 issued under the provisions of NRS 590.465 to 590.645, inclusive,  
31 or take such intermediate actions, including the imposition of fines,  
32 as it deems appropriate under the circumstances. If the Board has  
33 reasonable grounds to believe that a licensee is delivering a lesser  
34 quantity of gas than the licensee bills the customer for with the  
35 intent to defraud, that fact must be reported to the State Sealer of  
36 ~~{Weights and Measures;}~~ *Consumer Equitability*.

37     2. The Board shall cite the licensee, upon notice, stating  
38 reasons and given not less than 10 days before the date set for the  
39 hearing, to appear and show cause, if any, why the license should  
40 not be revoked or suspended or other disciplinary action should not  
41 be taken.

42     3. The Board may conduct investigations, summon and compel  
43 the attendance of witnesses, require the production of any records or  
44 documents and provide for the taking of depositions under the  
45 Nevada Rules of Civil Procedure in connection with such hearings.



4. If, upon hearing, the Board is satisfied that the violation charged is true, or if the licensee fails to appear and show cause, the Board may revoke or suspend the license summarily or take such intermediate action, including the imposition of a fine, as it deems appropriate. In addition to any penalties imposed pursuant to this subsection, the licensee shall pay to the Board any costs incurred by the Board in conducting the investigation and hearing, including:

(a) Costs to employ an attorney or other consultant; and

(b) Per diem allowances and travel expenses.

➔ Money received by the Board from the imposition of fines must be paid to the State Treasurer for credit to the State General Fund. The Board may retain the money paid to reimburse it for the costs of conducting an investigation and hearing.

5. The findings of the Board pursuant to this section, the judgment and the order must be reduced to writing and filed in the permanent public records of the Board. Copies must be furnished to the licensee and the complaining customer, if any. A licensee is entitled to judicial review of the order in the manner provided by chapter 233B of NRS. Enforcement of the Board's order must be stayed until judicial review is completed.

6. In any case where the Board refuses to issue a license, or suspends or revokes a license, the applicant or accused may submit another application for the consideration of the Board.

**Sec. 56.** NRS 706.276 is hereby amended to read as follows:

706.276 1. The provisions of chapter 582 of NRS are hereby made applicable to this chapter.

2. Except as otherwise provided in subsection 6, all vehicles required to be weighed under the provisions of this chapter must be weighed by a public weighmaster under such rules and regulations as may be deemed advisable by the Department and the State Sealer of ~~Weights and Measures~~, *Consumer Equitability*, and according to the provisions of chapter 582 of NRS, except as otherwise provided herein.

3. The Department may collect a fee, not to exceed \$1, for each vehicle weighed by the Department.

4. The State Sealer of ~~Weights and Measures~~ *Consumer Equitability* from time to time, upon request of the Department, shall appoint additional public weighmasters, according to the provisions of chapter 582 of NRS, as may be necessary to effectuate the purposes of this chapter.

5. Public weighmasters' certificates issued in states other than Nevada, when such certificates bear the seal of such weighmaster, may be accepted by the Department as evidence of the weight of the vehicle for which a license is applied.



1       6. In lieu of weighing a farm vehicle pursuant to subsection 2,  
2 the farmer or rancher who uses the farm vehicle may:

3       (a) Weigh the farm vehicle on a scale which has been certified  
4 by the State Sealer of ~~Weights and Measures;~~ *Consumer*  
5 *Equitability;* and

6       (b) Use a printout from that scale setting forth the declared gross  
7 weight of the farm vehicle as proof of the declared gross weight of  
8 the farm vehicle for purposes of this chapter.

9       **Sec. 57.** The Legislative Counsel shall, in preparing  
10 supplements to the Nevada Administrative Code, appropriately  
11 change any references to an officer, agency or other entity whose  
12 name is changed or whose responsibilities are transferred pursuant  
13 to the provisions of this act to refer to the appropriate officer,  
14 agency or other entity.

15       **Sec. 58.** This act becomes effective on July 1, 2013.

