

struction shall be let by contract on plans and specifications previously prepared by the highway engineer and let to the lowest and best bidder in the manner now provided by law. In the event that the highway board considers said bids when received too high, they may re-advertise, or do the work by force account, which decision shall be ordered by resolution to that effect entered upon the records of said board, which resolution shall set out the amount of the lowest bid and the fact that said board had found that in its judgment the said work may be more cheaply done by force account day labor or convict labor.

Construction
by contract.

Passed the House February 9, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 122.

[H. B. 214.]

REGULATION OF WEIGHTS AND MEASURES.

AN ACT relating to weights and measures, authorizing state sealers to act as automobile inspector in certain cases, and amending sections 9511-2, 9511-3, 9511-4 and 9511-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 9511-2, Rem. & Bal. Code, be amended to read as follows:

Section 9511-2. There is hereby created a department of weights and measures in and for the State of Washington. The secretary of state shall be *ex-officio* superintendent of weights and measures and the head of the department herein created. He shall appoint a deputy superintendent of weights and measures and one inspector whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of twenty-four hundred dollars per annum, and the inspector shall receive

Superintendent of
weights and
measures.

Deputy and
inspector.

State sealer.

Duties of superintendent.

a salary of fifteen hundred dollars per annum. He shall also appoint as many persons as he shall deem necessary, not to exceed twelve in number, as local inspectors, who shall be known as state sealers and who shall receive a compensation to be determined by the superintendent, and shall be removable at will by him: *Provided, further,* That the total expenditures for this department shall not exceed \$35,000 for any biennium. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature. The superintendent shall take charge of the state standards, cause them to be kept in a safe and suitable place in the office of the superintendent, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe keeping. He shall maintain the state standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in five years try and prove by the state standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate, by stamping on them with seals which he shall have and keep for that purpose, the letter "W" and the last two figures of the year in which the same are sealed. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the state. He shall, upon the written request of any citizen, firm, corporation or educational institution in the state, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in this state. He, or his deputy, or his inspectors, by his direction, shall, at least once annually, test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervising board and to the executive officer of the

institution concerned, and at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing one or more employees, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, on the first day of October make to the governor a report of the work done by his office. The state superintendent, or his deputy, or inspectors at his direction, shall inspect all standards and apparatus used by the state sealers and cities of the first class, having a population of more than 50,000 people at least once in two years, and shall keep a record of the same. He or his deputy or inspectors, at his direction, shall at least once in two years visit the various cities and counties in the state, in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any citizen, firm or corporation, shall have the same powers as the local sealer of weights and measures. The superintendent shall issue from time to time, regulations for the guidance of state and city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. The deputy state superintendent of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of \$5,000.00 with sureties to be approved by the governor for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Annual reports to governor.

Bond of deputy.

SEC. 2. That section 9511-3, Rem. & Bal. Code, be amended to read as follows:

Section 9511-3. The superintendent of weights and measures, and the common council or city commission of

Public standards for city and state sealers.

each city having a population of more than fifty thousand people shall procure at the expense of the state or city, and shall keep at all times a complete set of weights and measures and other apparatus, of such materials and construction as the said superintendent of weights and measures may direct. All such weights, measures and other apparatus having been tried and accurately proven by him, shall be sealed and certified to by the state superintendent as hereinbefore provided; and shall then be deposited with and preserved by the city sealer as public standards for such city, and by the state sealer for use as public standards in any county in the state.

Whenever the common council or city commission of any such city shall neglect for six months so to do, the city clerk or comptroller of said city, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of such city.

SEC. 3. That section 9511-4, Rem. & Bal. Code, be amended to read as follows:

Powers of
state sealer.

Section 9511-4. Where not otherwise provided by law the state sealer shall have the power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical device for measurements and tools, appliances or accessories connected with any or all of such instruments or measures kept for the purpose of sale, sold or used or employed within any county in the state by any proprietor, agent, lessee or employee in proving the size, quantity or extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award; and he shall have the power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they are being offered

for sale or sold in a manner in accordance with law. He may for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk-dealer, coal-wagon, wood-wagon, ice-wagon, delivery-wagon or any dealer whatsoever, and require him, if necessary, to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the state sealer finds a violation of the statutes relating to weights and measures, he shall cause the violater to be prosecuted. Whenever the sealer compares weights, measures or weighing or measuring instruments, and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring instruments with appropriate devices to be approved by the state superintendent of weights and measures. He shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring instruments which cannot be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs"—in a manner prescribed by the state superintendent of weights and measures. The owner or users of any weights, measures or weighing or measuring instruments of which such disposition is made, shall have the same repaired or corrected within ten days and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer: *Provided*, That state sealers may, by direction of the secretary of state, perform the duties and exercise the powers of deputies appointed by the secretary of state, pursuant to the provisions of chapter 142, Laws of 1915, and acts amendatory thereto: *Provided further*, That deputies appointed by the secretary of state pursuant to the provisions of chapter 142, Laws of 1915, and acts amendatory thereto, may, by direction of the secretary of state, perform the duties and

State sealers
as automobile
inspectors.

Automobile
inspectors as
state sealers.

exercise the powers of [the secretary of] state sealers as hereinbefore set forth.

SEC. 4. That section 9511-5, Rem. & Bal. Code, be amended to read as follows:

City sealers
in cities of
over 50,000.

Powers and
duties.

Section 9511-5. There shall be a city sealer of weights and measures in cities of the first class having a population of more than fifty thousand people, to be appointed by the mayor from a list to be furnished by the civil service board, and under the rules of said board, where such board exists; otherwise he shall be appointed by the mayor by and with the advice and consent of the common council or city commission. He shall perform in said city the duties and have like powers as a state sealer: *Provided, however,* That in every case where any city of the first class has heretofore made, or may hereafter make provision by charter or ordinance for the enforcement of proper legal weights and measures vesting general supervision and direction in any official at the head of any department of such city, such official for the purpose of this act, shall be *ex-officio* sealer of weights and measures in such city, and he and his subordinate or subordinates, shall have the duties and powers of city sealers of weights and measures, and the powers of such cities relative to weights and measures shall be additional to the powers granted such city by law or charter: *And provided further,* That the state sealer shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures.

Passed the House March 2, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.