

Sec. 2. Section 15.66.260, chapter 11, Laws of 1961 and RCW 15.66.260 are each amended to read as follows:

All general administrative expenses of the director in carrying out the provisions of this chapter shall be borne by the state; PROVIDED, That the department shall be reimbursed for actual costs incurred in conducting nominations and elections for members of any commodity board established under the provisions of this chapter. Such reimbursement shall be made from the funds of the commission for which the nominations and elections were conducted by the director.

Passed the House February 27, 1969
 Passed the Senate March 11, 1969
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CHAPTER 67
 [Engrossed House Bill No. 17]
 WEIGHTS AND MEASURES

AN ACT Relating to weights and measures; repealing sections 1 through 39, chapter 291, Laws of 1959, and RCW 19.93.010 through 19.93-.380 and RCW 19.93.900; defining crimes; and providing penalties.
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Terms used in this act shall have the meaning given to them in section 2 through 13 of this act unless where used the context shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 3. "Director" means the director of the department or his duly appointed representative.

NEW SECTION. Sec. 4. "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

NEW SECTION. Sec. 5. "Weights and measures" means weights and measures of every kind, instruments and devices for weighing and measuring, and every appliance and accessory associated with any or all such instruments and devices.

NEW SECTION. Sec. 6. "City" means a city of the first class

with a population of over fifty thousand persons.

NEW SECTION. Sec. 7. "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred and twenty-eight cubic feet, when the wood is ranked and well stowed.

NEW SECTION. Sec. 8. "City sealer" means the sealer of weights and measures of a city.

NEW SECTION. Sec. 9. "Ton" means a unit of two thousand pounds avoirdupois weight.

NEW SECTION. Sec. 10. The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this act. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form.

NEW SECTION. Sec. 11. "Meat" shall mean and include all animal flesh, carcasses or parts of animals, and shall include fish, shell fish, game, poultry and meat food products of every kind and character, whether fresh, frozen, cooked, cured or processed.

NEW SECTION. Sec. 12. "Poultry" shall mean all fowl, domestic or wild, which is prepared, processed, sold or intended or offered for sale.

NEW SECTION. Sec. 13. "Fish" shall mean any water-breathing animal, including shell fish such as, but not limited to, lobster, clam, crab or other mollusca which is prepared, processed, sold, or intended or offered for sale.

NEW SECTION. Sec. 14. In any rule or regulation adopted pursuant to this act, the following definitions shall apply:

(1) A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form

other than a consumer package, and particularly a package designed solely for industrial or institutional use or for whole sale distribution only.

(2) A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

NEW SECTION. Sec. 15. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in the state.

NEW SECTION. Sec. 16. Weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards, shall, when the same shall have been certified as such by the national bureau of standards, be the state standards of weight and measure. The state standards shall be kept in a place designated by the director and shall not be removed from the said place except for repairs or for certification: PROVIDED, That they shall be submitted at least once in ten years to the national bureau of standards for certification.

NEW SECTION. Sec. 17. In addition to the state standards provided for in section 16 of this act, there shall be supplied by the state such "field standards" and such equipment as may be found necessary to carry out the provisions of this act. The field standards shall be verified upon their initial receipt and at least once

each year thereafter, by comparison with the state standards.

NEW SECTION. Sec. 18. The director shall be the state sealer of weights and measures, which shall include all towns and all cities with a population of less than fifty thousand persons, and he shall have the custody of the state standards of weights and measures and of the other standards and equipment provided for in this act. The director shall have general supervision over city sealers of weights and measures and over the weights and measures offered for sale, sold, or in use in the state.

NEW SECTION. Sec. 19. The director shall enforce the provisions of this act and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the purposes of this act. Such rules and regulations shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of section 25 of this act with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) exemptions from the requirements of section 20 and 21 of this act for testing, with respect to classes of weights and measures found to be of such character

that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in section 21 of this act, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this act shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. The director may, at his discretion, adopt by regulation any supplement to the national bureau of standards Handbook 44, third edition or any subsequent similar publication by such bureau. For the purpose of this act, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

NEW SECTION. Sec. 20. The director shall test the standards of weight and measure procured by any city for which the appointment of a sealer of weights and measures is provided by this act, at least once every five years, and shall approve the same when found to be correct, and he shall inspect such standards at least once every two years. He shall test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report his findings, in writing, to the executive officer of the institution concerned.

NEW SECTION. Sec. 21. If not otherwise provided by law, the director shall have the power to inspect and test to ascertain if they

are correct, all weights and measures kept, offered, or exposed for sale. A representative sample may be used as the basis to determine whether any lot is incorrect. It shall be the duty of the director, except in cities for which city sealers of weights and measures have been appointed as provided for in this act, as often as he may deem necessary, to inspect and test to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure or of count, (2) in computing the basic charge or payment for services rendered on the basis of weight or of measure or of count, or (3) in determining weight or measurement or count when a charge is made for such determination: PROVIDED, That with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lot of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots.

NEW SECTION. Sec. 22. The director shall investigate complaints made to him concerning violations of the provisions of this act, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

NEW SECTION. Sec. 23. The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery to determine whether the same contain the amounts represented and whether they be kept,

offered, exposed for sale or sold in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the director may order them off sale and may mark, tag, or stamp them in a manner prescribed by him. In carrying out the provisions of this section, the director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of a result obtained on a sample selected from and representative of such lot. No person shall (1) sell, keep, offer or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section unless and until such package or amount of commodity has been brought into full compliance with legal requirements or (2) dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements in any manner except with the specific approval of the director.

NEW SECTION. Sec. 24. The director shall have the power to issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being, or susceptible or being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, exposed for sale, sold or in process of delivery, whenever in the course of his enforcement of the provisions of this act and/or rules and regulations adopted hereunder he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified or fail to remove from any premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued under the authority of this section.

NEW SECTION. Sec. 25. The director shall reject and mark or tag as "rejected" such weights and measures as he finds upon inspection or test to be "incorrect" as defined in section 19 of this act, but which in his best judgment are susceptible of satisfactory re-

pair: PROVIDED, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the director issued under the authority of section 19 of this act. The director may reject or seize any weights and measures found to be incorrect that, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by section 33 of this act or if used or disposed of contrary to the requirements of said section.

NEW SECTION. Sec. 26. (1) With respect to the enforcement of this act and any other acts dealing with weights and measures that he is, or may be empowered to enforce, the director is authorized to arrest any violator of the said act, and to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodities to be used, retained, offered, exposed for sale or sold in violation of the law.

(2) In the performance of his official duties the director is authorized at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes. Should the director be denied access to any premises or establishment where such access was sought for the purposes set forth in this section, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

NEW SECTION. Sec. 27. The powers and duties given to and imposed upon the director by the provisions in sections 20, 21, 22, 23, 24, 25, 26 and 35 of this act may be performed by any of his duly authorized representatives acting under the instructions and at the direction of the director.

NEW SECTION. Sec. 28. There shall be a sealer of weights and measures in every city and such deputies as may be required by ordi-

nance of each such city governed by this act. Such sealer and such deputies shall in any such city be appointed by, and they shall hold office subject to applicable local civil service laws and regulations; otherwise they shall be appointed by the mayor, or other chief executive officer of such city, by and with the advice and consent of the governing body of such city, and they may be removed for cause in the same matter.

NEW SECTION. Sec. 29. A bond with sureties, to be approved by the appointing power, and conditioned upon the faithful performance of his duties and the safekeeping of any standards or equipment entrusted to his care, shall forthwith, upon his appointment, be given by each city sealer and deputy sealer in the penal sum of one thousand dollars; the premium on such bond shall be paid by the city for which the officer in question is appointed.

NEW SECTION. Sec. 30. The city sealer and his deputy sealers when acting under his instructions and at his direction shall have the same powers and shall perform the same duties within the city for which appointed as are granted to and imposed upon the director by sections 21, 22, 23, 24, and 25 of this act.

NEW SECTION. Sec. 31. The council or other governing body of each city for which a city sealer has been appointed as provided for by section 28 of this act shall (1) procure at the expense of the city such standards of weight and measure and such additional equipment, to be used for the enforcement of the provisions of this act in such city, as may be prescribed by the director; (2) provide a suitable office for the city sealer; and (3) make provision for the necessary clerical services, supplies, transportation and for defraying contingent expenses incidental to the official activities of the city sealer in carrying out the provisions of this act. When the standards of weight and measure required by this section to be provided by a city shall have been examined and approved by the director, they shall be the official standards for such city. It shall be the duty of the city sealer to make, or to arrange to have made, at least as

frequently as once a year, comparisons between his field standards and appropriate standards of a higher order belonging to his city or to the state, in order to maintain such field standards in accurate condition.

NEW SECTION. Sec. 32. In cities for which city sealers of weights and measures have been appointed as provided for in this act, the director shall have concurrent authority to carry out the provisions of this act. The powers and duties relative to weights and measures contained in this act shall be in addition to the powers granted to any city by law or charter.

NEW SECTION. Sec. 33. Weights and measures that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such a manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

NEW SECTION. Sec. 34. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this act, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: PROVIDED, That liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold: AND PROVIDED FURTHER, That the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to com-

modities in containers standardized by a law of this state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented to be accurate and informative to all interested parties.

NEW SECTION. Sec. 35. Except as otherwise provided in this act, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, offered or exposed for sale or sold in intrastate commerce, shall bear on the outside of the package such definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure or count; and (3) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by regulation issued by the director: PROVIDED, That in connection with the declaration required under subdivision (2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", "or over", and the like) that tends to exaggerate the amount of commodity in a package, shall be used: AND PROVIDED FURTHER, That under clause (2) the director shall by regulation establish (a) reasonable variations to be allowed, (b) exemptions as to small packages and (c) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

NEW SECTION. Sec. 36. In addition to the declarations required by section 35 of this act, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

NEW SECTION. Sec. 37. No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed or filled as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standards of fill as may have been prescribed for the commodity in question by the director.

NEW SECTION. Sec. 38. The word "weight" as used in this act in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

NEW SECTION. Sec. 39. Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

NEW SECTION. Sec 40. Except for immediate consumption on the premises where sold or as one of several elements comprising a meal sold as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, fish and poultry offered or ex-

posed for sale or sold as food, unless otherwise provided for by the laws of the state of Washington, shall be offered or exposed for sale and sold by weight.

NEW SECTION. Sec. 41. Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.

NEW SECTION. Sec. 42. All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk and all fluid imitation and fluid substitute dairy products shall be packaged for retail sale only in units of one gill, one-half liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons or multiples of one gallon: PROVIDED, That the director may by regulation provide for other sizes under one quart.

NEW SECTION. Sec. 43. When in package form and when packed, kept, offered, exposed for sale or sold, flour such as, but not limited to, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal and hominy grits shall be packaged only in units of five, ten, twenty-five, fifty and one hundred pounds avoirdupois weight: PROVIDED, That packages in units of less than five pounds or more than one hundred pounds shall be permitted.

NEW SECTION. Sec. 44. When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or other indelible marking equipment and, in clarity, equal to type or printing: (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determin-

ations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered on demand to the director or the deputy director or the inspector, or the sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser himself carries away his purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him.

NEW SECTION. Sec. 45. All solid fuels such as, but not limited to, coal, coke, charcoal, broiler chips, pressed fuels and briquets shall be sold by weight: PROVIDED, That solid fuels such as hogged fuel, sawdust and similar industrial fuels may be sold or purchased by cubic measure. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director or his deputy or inspector or a city sealer or deputy sealer who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

NEW SECTION. Sec. 46. All stove and furnace oil shall be sold by liquid measure or by net weight in accordance with the provi-

sions of section 34 of this act. In the case of each delivery of such liquid fuel not in package form, and in an amount greater than ten gallons in the case of sale by liquid measure or one hundred pounds in the case of sale by weight, there shall be rendered to the purchaser, either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; (3) the identity of the type of fuel comprising the delivery; (4) the unit price (that is, price per gallon or per pound, as the case may be), of the fuel delivered; (5) in the case of sale by liquid measure, the liquid volume of the delivery together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions; and (6) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

NEW SECTION. Sec. 47. Berries and small fruit shall be offered and exposed for sale and sold by weight, or be measure in open containers having capacities of one-half dry pint, one dry pint or one dry quart: PROVIDED, That the marking provisions of section 34 of this act shall not apply to such dry volume containers.

NEW SECTION. Sec. 48. Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in sections 7, 9 and 15 of this act, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

NEW SECTION. Sec. 49. Any person who shall hinder or obstruct in any way the director, a city sealer or deputy sealer, in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of

not less than twenty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

NEW SECTION. Sec. 50. Any person who shall impersonate in any way the director, or a city sealer or a deputy sealer, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or not less than one hundred dollars or more than five hundred dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 51. Any person who, by himself, by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subsections (1) through (9) below, shall be guilty of a misdemeanor and upon a second or subsequent conviction thereof he shall be guilty of a gross misdemeanor.

(1) Use or have in possession for the purpose of using for any commercial purpose specified in section 21 of this act, sell, offer, expose for sale or hire or have in possession for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure.

(2) Use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any incorrect weight or measure.

(3) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(4) Remove from any weight or measure, contrary to law or regulation, any tag, seal, stamp or mark placed thereon by the director, or a city sealer or deputy sealer.

(5) Sell, offer or expose for sale less than the quantity he represents of any commodity, thing or service.

(6) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

(7) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service in a condition or manner contrary to law or regulation.

(8) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(9) Violate any provision of this act or of the rules and/or regulations promulgated under the provisions of this act for which a specific penalty has not been prescribed.

NEW SECTION. Sec. 52. The director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this act.

NEW SECTION. Sec. 53. For the purposes of this act, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

NEW SECTION. Sec. 54. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 55. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudi-

cation shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

NEW SECTION. Sec. 56. Section 1 through 39, chapter 291, Laws of 1959 and RCW 19.93.010 through 19.93.380 and 19.93.900 are each repealed.

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CHAPTER 68
 [House Bill No. 18]
 FOOD PROCESSING

AN ACT Relating to food processing; amending section 2, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.020; amending section 4, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.040; amending section 8, chapter 121, Laws of 1967 ex. sess. and RCW 69.07-.080; adding a new section to chapter 121, Laws of 1967 ex. sess. and to chapter 69.07 RCW; and repealing section 3, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.030.

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

Section 1. Section 2, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.020 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include ~~((but are not limited to))~~:

(a) ~~((Standards of sanitation in the handling, storing, or holding of raw food products prior to processing in a food processing plant.~~

~~(b) Standards of sanitation in and throughout a food processing plant and its appurtenances, including the facilities used for the personal comfort and convenience of employees and their location in a food processing plant.~~

~~(c) Standards of sanitation for any contrivance or equipment~~