

# WEIGHTS, MEASURES, AND GRADES

## CHAPTER 547

### HOUSE BILL NO. 1155

(Agriculture Committee)

(At the request of the Public Service Commission)

## WEIGHING DEVICE TESTING AND TRANSIENT VENDOR DEFINITION

AN ACT to create and enact a new section to chapter 64-02 of the North Dakota Century Code, relating to testing of weighing devices; and to amend and reenact section 64-02-01 of the North Dakota Century Code, relating to the definition of transient vendors.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 64-02-01 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-01. Definitions.** In this title:

1. "Calibrate" means to compare a standard, or weighing or measuring device, to another standard and eliminate by adjustment any variation in the accuracy of the item being compared, but does not include the field repair of a weighing or measuring device.
2. "Commission" means the public service commission.
3. "Test" means to measure to determine if a standard, or weighing or measuring device, is within the permitted tolerance.
4. "Transient vendor" means a wholesale or retail seller of produce, fruit, nuts, or seafood that sells to the public at a temporary location, on a seasonal basis, open less than one hundred twenty business days each year.
5. "Weighing or measuring device" means any scale, weight, measure, instrument, or device used or offered for use for weighing or measuring in commerce.

**SECTION 2.** A new section to chapter 64-02 of the North Dakota Century Code is created and enacted as follows:

Exception from annual test of weighing or measuring device. A weighing or measuring device used to conduct sales by a transient vendor is exempt from this chapter.

Approved March 25, 1999  
Filed March 25, 1999