

delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of [Internal Affairs] ¹Justice; and providing penalties," as amended, without first securing a license under said act in addition to the license provided by this act.

Section 2. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 395

AN ACT

SB 1555

Amending the act of May 5, 1921 (P. L. 389), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," transferring the authority of the Bureau of Standards from the Department of Internal Affairs to the Department of Justice.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The last paragraph of section 1 and sections 2, 4, and 12, act of May 5, 1921 (P. L. 389), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," are amended to read:

Section 1. Be it enacted, &c., * * *

The term "Bureau of Standards" shall be held to mean under or by authority of the chief of the Pennsylvania Bureau of Standards of the Department of [Internal Affairs] Justice. When construing or enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such corporation, partnership, company, society, or association, as well as that of the person.

¹ "Agriculture" in original.

Section 2. The Bureau of Standards of the Department of [Internal Affairs] Justice is authorized to pass upon each type of weight and measure and weighing and measuring device manufactured, offered or exposed for sale or sold or given away, for the use in trade or commerce, or used in trade or commerce, in the Commonwealth of Pennsylvania, and to approve or disapprove of said type. The said bureau shall approve each type of weight and measure and weighing and measuring device, submitted to it for approval by any person, if such type is so designed and constructed that it conforms to, or gives correct results in terms of, standard weights or measures or in terms of values derived therefrom, and is reasonably permanent in its indication and adjustment, and does not facilitate the perpetration of fraud, otherwise the bureau shall disapprove the same.

Section 4. When a type of weight or measure or weighing or measuring device is approved, the said bureau shall issue a certificate to this effect to the person submitting such type. When a type is disapproved, the said bureau shall notify the person submitting the same of its decision, setting out the reasons therefor, together with such information and references as may be useful in judging of the propriety of the disapproval, and shall give such person an opportunity to be heard in support of his application for approval. The bureau shall then reconsider its decision. If the new decision is adverse to such person, and he is dissatisfied with the same, he may take an appeal from this decision to the [Secretary of Internal Affairs] Attorney General, who shall examine the matter, and decide whether the type should be approved or disapproved. If the person is dissatisfied with the decision of the [Secretary of Internal Affairs] Attorney General, he may appeal to the court of common pleas of the county of which he is a resident, whose decision shall be final.

Section 12. Rules and regulations for the carrying out and enforcement of the provisions of this act, not inconsistent with the provisions thereof, shall be adopted by the Bureau of Standards, with the approval of the [Secretary of Internal Affairs] Attorney General, which rules and regulations shall include reasonable variations or tolerances which may be allowed on weights and measures and weighing and measuring devices included within the provisions of this act, and also specifications for such weights and measures and weighing and measuring devices for the guidance of manufacturers in the design and construction of such weights and measures and weighing and measuring devices.

Section 2. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1968.

RAYMOND P. SHAFER.