

SENATE BILL No. 449

By Committee on Federal and State Affairs

3-25

1 AN ACT concerning weights and measures; relating to recognized systems
2 thereof; controlling authority of certificates of conformance issued by
3 certain institutes and authorized laboratories; amending K.S.A. 2013
4 Supp. 83-202 and repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2013 Supp. 83-202 is hereby amended to read as
8 follows: 83-202. (a) Except as provided further:

9 (1) The system of weights and measures in customary use in the
10 United States and the metric system of weights and measures are jointly
11 recognized, and either one or both of these systems shall be used for all
12 commercial purposes in the state.

13 (2) The following standards and requirements shall apply to
14 commercial weighing and measuring devices:

15 (A) "The standards of the national conference on weights and
16 measures" published in the national institute of standards and technology
17 handbook 44 entitled specifications, tolerances, and other technical
18 requirements for weighing and measuring devices as published on
19 October, 1994 or later versions as established in rules and regulations
20 adopted by the secretary, except a mechanical vehicle scale used solely to
21 sell aggregate products shall be allowed a minimum tolerance of +/- 100
22 pounds. Such scale shall not be sold or moved to another location for use
23 in commercial applications unless it complies with all applicable
24 tolerances of the national institute of standards and technology handbook
25 44 entitled specifications, tolerances, and other technical requirements for
26 weighing and measuring devices as published in October, 1994 or later
27 versions as established in rules and regulations adopted by the secretary;

28 (B) "the uniform laws and regulations of the national conference on
29 weights and measures" published in the national institute of standards and
30 technology handbook 130 regarding packaging and labeling, the method of
31 sale of commodities, national type evaluation regulation, motor fuel
32 inspection and motor fuel regulation, as published on December, 1994 or
33 later versions as established in rules and regulations adopted by the
34 secretary;

35 (C) "checking the net contents of packaged goods" published in the
36 national institute of standards and technology handbook 133, third edition,

1 as published on September, 1988 or later versions as established in rules
2 and regulations adopted by the secretary;

3 (D) "checking the net contents of packaged goods" published in the
4 national institute of standards and technology handbook 133, third edition,
5 supplement 4, as published on October, 1994 or later versions as
6 established in rules and regulations adopted by the secretary; and

7 (E) any other handbooks or sections thereof as adopted by the
8 secretary by rules and regulations.

9 (b) (1) *Except as provided in paragraph (2), whenever there exists an*
10 *inconsistency between the provisions of chapter 83 of the Kansas Statutes*
11 *Annotated, and amendments thereto, and any of the handbooks adopted by*
12 *reference, the requirements of chapter 83 of the Kansas Statutes*
13 *Annotated, and amendments thereto, shall control.*

14 (2) *A certificate of conformance issued by the national institute of*
15 *standards and technology, national conference on weights and measures*
16 *or other authorized laboratory establishing the appropriate handbook or*
17 *sections thereof and that the weight or measure or weighing or measuring*
18 *instrument or device meets the standards and requirements of the national*
19 *institute of standards and technology shall control.*

20 Sec. 2. K.S.A. 2013 Supp. 83-202 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.