

83-216. Same; devices declared to be common nuisance and contraband; action for disposal of device. (a) Any weight, measure or weighing or measuring device which has been rejected by the secretary and which has not been repaired or restored to weigh or measure within approved tolerances, during any authorized repair period, is hereby declared to be a common nuisance and a contraband device. The secretary may seal the beam or mechanism out of service on any weighing or measuring device, or may take possession of any contraband weight or measure. The secretary shall deliver to the owner or person found in possession of any contraband weight, measure or weighing or measuring device a statement giving the location and description of the weight, measure or weighing or measuring device so sealed or taken.

(b) Any weighing or measuring device which has been sealed out of service by the secretary and which has not been repaired or restored and made to weigh or measure within approved tolerances within 90 days following the date of sealing, or an authorized extension thereof, may be proceeded against by an action, instituted in Shawnee county district court or in the county where such weighing or measuring device is located, for an order for the disposal of such device.

(c) Procedure in regard to the prevention of the maintenance of a common nuisance and procedure for the disposal of any weighing or measuring device may be had in accordance with and in the manner provided for under K.S.A. 41-805 and 41-806, and amendments thereto, and as otherwise authorized by statute.

History: L. 1985, ch. 345, § 16; L. 1996, ch. 146, § 23; Apr. 18.