

WEIGHTS, MEASURES AND GRADES

CHAPTER 414

H. B. No. 628

(Fitch)

(By request)

STANDARDS AND WEIGHTS OF LIQUEFIED PETROLEUM GAS

AN ACT

Relating to liquefied petroleum gas, establishing standards of weights and measures therefor, providing for the testing of weighing and measuring devices used in the retail sale thereof, and the condemnation of inaccurate devices, prescribing duties and the authority of the department of weights and measures as to liquefied petroleum gas, and providing penalties.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Restrictions Upon Sale of Liquefied Petroleum Gas.)

It shall be unlawful to sell or offer for sale, either at wholesale or retail, any liquefied petroleum gas, either in liquid or vapor form, except by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; vapor measure, specified in cubic feet; or specified in such other units as may be approved by the department of weights and measures of the public service commission.

§ 2. Authority of Department of Weights and Measures to Test and Condemn Weighing and Measuring Devices.) The department of weights and measures shall be authorized to test all weighing and measuring devices used in the retail sale of liquefied petroleum gas, either in liquid or vapor form, and shall condemn all such devices which are found to be inaccurate or which do not clearly state the quantity of liquefied petroleum gas, either in liquid or vapor form, in pounds, gallons, cubic feet, or other units approved by the department of weights and measures. The department shall conspicuously mark all condemned devices, which mark shall not be removed or defaced except upon authorization of the said department of weights and measures or its authorized representative.

§ 3. Specification of Liquid Gas Meters.) All liquid gas meters shall be of a positive displacement type equipped with a vapor separator or provided with such other equipment which will positively eliminate all air and vapor from passing through

the meter with the liquid gas, and a differential pressure regulator and such meters shall be corrected, prior to use, to sixty degree Fahrenheit liquid gas temperature and all deliveries of liquid gas through such meters shall, at the time and place of such delivery, be temperature corrected to sixty degree Fahrenheit to the temperature of the liquid gas at the time and place of delivery and the customer shall be billed accordingly. It shall be unlawful to make retail sales to customers except where delivered through a fuel dispenser from any bulk delivery vehicle unless such bulk delivery vehicle is equipped with and dispenses said liquid petroleum gas through a liquid meter as herein provided. Liquid meters shall not be equipped with a by-pass around said liquid meter provided, however, that the prohibition of a by-pass is not intended to prohibit the use of an equalization line.

§ 4. Department May Formulate Regulations; Tolerances.)

The public service commission is hereby authorized to promulgate and adopt such rules and regulations and establish tolerances within a maximum of two percent, plus or minus, which may be necessary for the enforcement of this Act.

§ 5. Penalty.) Any person who violates any of the provisions of this Act or fails to comply with its requirements or any of the rules and regulations issued hereunder, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Approved March 12, 1959.

CHAPTER 415

H. B. No. 829
(Wheeler)

INSPECTION OF WEIGHING AND MEASURING DEVICES

AN ACT

To amend and reenact section 64-0210 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to fee schedule for inspection of weighing and measuring devices.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 64-0210 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

64-0210. Fee Schedule for Inspection of Weighing and Measuring Devices.) The chief inspector or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

For inspecting railroad and track scale of capacity of twenty tons and upwards	\$15.00
For inspecting vehicle scales and livestock scales of eight thousand pounds capacity and over.....	8.00
For inspecting dormant scales, less than eight thousand pounds capacity or hopper scales, each.....	3.00
For inspecting movable platform scales.....	1.25
For inspecting all counter and computing scales.....	1.25
For inspecting every patent balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each.....	1.25
For inspecting any two bushel or one bushel measure	.50
For inspecting any other dry measure, each.....	.25
For inspecting any liquid measure or computing pump	1.25
For inspecting liquid measures of five gallons or less capacity, each50
For inspecting gasoline and fuel oil meters.....	8.00
For inspecting gasoline and fuel oil meters on common carrier pipelines, and any other meters used in loading railway cars, transports or other conveyances	25.00
For inspecting any tank under 500 gallons	10.00
For inspecting propane meters.....	10.00
For inspecting any board of cloth measure, each.....	.25
For calibrating truck tanks of one thousand gallons capacity and under	10.00
Truck tanks between one thousand gallons and two thousand gallons	15.00
Truck tanks between two thousand gallons and three thousand gallons	20.00
Truck tanks between three thousand gallons and four thousand gallons	25.00
Truck tanks between four thousand gallons and five thousand gallons	30.00
Truck tanks between five thousand gallons and six thousand gallons	35.00
Truck tanks above six thousand gallons.....	40.00

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use and the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the inspector or other employee of the department of weights and measures shall find any of the instruments or

articles used in weighing or measuring to be wrongly adjusted or out of repair, it shall be his duty to correct such scale or measure and he shall collect for such service three dollars per hour for the actual time consumed in making such corrections, and shall receive reasonable compensation for any material used in such corrections.

Whenever a special inspection of any measuring device is required, in addition to the regularly scheduled annual inspection made by the department, a charge of ten cents per mile will be made in addition to the regular inspection fee to cover the costs of the additional travel by the inspector occasioned by such special inspection.

Approved March 11, 1959.

CHAPTER 416

H. B. No. 836
(Wheeler)

LICENSES FOR COIN-WEIGHING MACHINES, SCALES, AND PUBLIC GASOLINE PUMPS

AN ACT

To amend and reenact section 64-0218 of the North Dakota Revised Code of 1943, relating to form of license for coin-weighing machines, scales, and public gasoline pumps, license displayed, unlicensed machine confiscated, and penalty assessed in lieu thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 64-0218 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

64-0218. Form of License for Coin-weighing Machines, Scales, and Public Gasoline Pumps: License Displayed: Unlicensed Machine Confiscated and Penalty Assessed in Lieu Thereof.) The license shall be in the form of a metal plate bearing the words "Licensed by the state of North Dakota, No....." Plates shall be numbered consecutively and shall bear the year for which the license was granted. The license plate shall be displayed prominently on the coin-weighing machine or pump. Absence of the license plate shall be prima facie evidence that the weighing machine or device is being operated contrary to law. After September first of each year, the chief inspector or other employee of the de-

partment shall seize, confiscate, or seal all unlicensed coin-weighing machines and shall lock and seal any unlicensed gasoline pump. The chief inspector or other employee of the department may in lieu of seizing a coin-weighing machine, scale, or pump which is found unlicensed on September first in any year assess a penalty of ten cents per day for each day after September first for the entire licensing period or until such license is purchased and displayed as provided in this section.

Approved March 14, 1959.