

WEIGHTS, MEASURES, AND GRADES

CHAPTER 764

HOUSE BILL NO. 1212
(Committee on Industry, Business and Labor)
(At the request of the Public Service Commission)

WEIGHTS AND MEASURES

AN ACT to amend and reenact sections 64-02-01, 64-02-02, 64-02-03, 64-02-04, 64-02-05, 64-02-07, 64-02-08, 64-02-09, 64-02-10, 64-02-11, 64-02-12, 64-02-13, 64-02-14, 64-02-15, 64-02-15.1, 64-02-20, 64-03-01, 64-03-02, 64-03-03, 64-03-06, 64-03-07, 64-03-09, 64-03-10, 64-03-11, 64-03-12, 64-04-01, 64-04-02, 64-04-03, 64-04-04, and 64-04-05 of the North Dakota Century Code, relating to weights and measures; and to repeal sections 64-02-05.1, 64-02-06, 64-02-19, and 64-03-05 of the North Dakota Century Code, relating to weights and measures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

64-02-01. Definitions. In this title, ~~unless the context or subject matter otherwise requires:~~

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" shall mean means the public service commission.
3. "Department" shall mean the department of weights and measures under the public service commission.
3. "Gasoline pump" shall include any pump, meter, or similar device used for measuring gasoline, kerosene, fuel oil or other liquid fuel for sale. "Test" means to measure to determine if a standard, or weighing or measuring device, is within the permitted tolerance.
4. "Person" shall import both the singular and the plural, as the case demands, and shall include individuals, partnerships, stock companies, or the agents or employees thereof. "Weighing or measuring device" means any scale, weight, measure, instrument, or device used or offered for use for weighing or measuring in commerce.
5. "Public scale" shall include any scale or weighing device for the use of which a charge is made or compensation is derived.

SECTION 2. AMENDMENT. Section 64-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-02. Weights and measures - Supervision by public service commission - Installation of scales under special permit. All ~~weights, weighing or measuring devices, gasoline pumps, and measures~~ in this state shall be supervised and controlled by the commission. ~~Special permits~~ Permits for the installation or relocation of scales, ~~including pitless scales,~~ deviating from specific requirements under this chapter may be issued by the department where it can be demonstrated that commission when the scale meets service requirements within accepted tolerances. Applications for a permit authorizing deviations ~~shall~~ must include full and detailed complete construction plans ~~together with and~~ a statement setting forth of the specific reasons why such deviations are necessary or desirable. The department commission may impose such limitations or conditions on the construction and use of such scales as it may consider necessary.

SECTION 3. AMENDMENT. Section 64-02-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-03. Commission ~~shall prescribe~~ rules and regulations. The commission ~~shall prescribe, may adopt, amend, and modify~~ rules, regulations, and schedules, as may be deemed necessary. Any rules, regulations, and schedules so prescribed and adopted ~~shall have~~ having the force and effect of law.

SECTION 4. AMENDMENT. Section 64-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-04. Shrinkage and scale variance Tolerance - Uniformity established by commission. The commission shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage or of scale variances in the handling or for weighing of any commodity and measuring devices.

SECTION 5. AMENDMENT. Section 64-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-05. Director and other employees - Employment Employees - Compensation. The commission shall appoint and fix the compensation of a director of weights and measures who shall be the head of the department and shall hold his office for a term of two years or until his successor is appointed and qualified and shall be removed for cause only. The commission shall employ such expert scalemen or other and fix the compensation of employees as may be necessary to carry out the provisions of this title and shall fix their compensation.

SECTION 6. AMENDMENT. Section 64-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-07. Duties of director commission. The director commission shall:

1. Maintain in such the calibration as prescribed by of the national bureau of standards, state weights and measures standards that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national bureau of standards of weights and measures. All secondary standards may shall be prescribed calibrated by the

director and shall be verified upon their initial receipt, and commission as often thereafter as deemed necessary by the director.

2. Keep a seal so formed as to impress the letters "N.D." and the date of sealing upon the weights and measures weighing or measuring devices that are sealed.
3. Test, correct, and seal, when found to be accurate, all the copies of the standards used throughout in the state for the purpose of testing the weighing or measuring apparatus devices used in the state, and keep a record thereof.
4. Have general supervision of the weights, measures, and weighing or weighing or measuring devices, and instruments or apparatus used as standards in the state.
5. Upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the state.
6. Keep a complete record of the standards, balances weighing or measuring devices, and all testing and sealing apparatus equipment owned by the state, and maintain traceability of the state standards to the national bureau of United States standards.
7. ~~Make reports to the commission of his activities in such manner and at such time as the commission may require.~~

SECTION 7. AMENDMENT. Section 64-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-08. Purchase, lease, or disposal of apparatus and equipment by director. The director, with the approval of the commission, shall purchase or lease any apparatus or equipment necessary for carrying out the provisions of this title and may sell any and all standards of weights and measures, balances, testing apparatus, and sealing equipment which may come into his custody and possession in the performance of his duties imposed by this title, whenever he, with the approval of the commission, shall determine that any of such standards of weights and measures, balances, testing apparatus, and sealing equipment are is obsolete or unsuitable for the performance of the duties imposed upon the director. Any moneys derived by the commission Proceeds from any sale or disposal shall be paid into the general fund of the state treasury.

SECTION 8. AMENDMENT. Section 64-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-09. Standards of weights and measures. The director of weights and measures commission shall keep and maintain in his office the following standards of weights and measures, which shall must conform to the United States standards of weights and measures:

1. One bushel.
2. One-half bushel.
3. One peck.

4. One-half peck.
5. One quart.
6. One wine gallon.
7. One wine half-gallon.
8. One wine quart.
9. One wine pint.
10. One wine gill.
11. One surveyor's chain, thirty-three standard feet in length.
12. One yard measure.
13. One foot measure.
14. One inch measure.
15. One one hundred pound weight.
16. One fifty pound weight.
17. One twenty-five pound weight.
18. One ten pound weight.
19. One one pound weight.
20. One half-pound weight.
21. One quarter-pound weight.
22. One one-eighth of a pound weight.
23. One one-sixteenth of a pound weight or one ounce weight.
24. One set of apothecaries' weights from one pound to one grain and one set of troy weights from one pound to one grain.
25. Such other scales, beams, and balances as shall be Other weighing and measuring devices necessary to test other weights by these and calibrate standards.

~~Measures, weights, scales, beams, and balances~~ These standards are declared to be the legal standards of weights and measures for this state, and ~~shall~~ must be used ~~only~~ for testing the ~~copies thereof~~ secondary standards used in ~~testing to test weighing and or measuring devices.~~ The measures mentioned in subsections 4 through 10, shall be made of copper or other suitable and substantial material. The department shall keep a record of all county ~~weights, measures, beams, and balances marked and tested by its employees.~~

SECTION 9. AMENDMENT. Section 64-02-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-10. Fee schedule for inspection of Fees to test or calibrate weighing and measuring devices. The director or other employee of the department of weights and measures Commission shall charge and collect the following fees in accordance with the following schedule to:

1. For inspecting Test railroad track scales scale 80.00
2. For inspecting Test livestock and or vehicle scales scale eight thousand pounds [3628.74 kilograms] capacity and under 35.00
3. For inspecting Test livestock and vehicle scales scale over eight thousand pounds [3628.74 kilograms] capacity 80.00
4. For inspecting Test livestock scales scale under the jurisdiction of Packers and Stockers Act of the federal department of agriculture 80.00
5. For inspecting Test livestock scales scale under the jurisdiction of Packers and Stockers Act of the federal department of agriculture, where in the discretion of the director of weights and measures or his employee, if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale 45.00
6. For inspecting Test auxiliary beam on livestock, motor truck, motor truck dump scales scale 15.00
7. For inspecting Test road construction truck scales scale 80.00
8. For inspection of Test road construction hopper scales scale, six thousand and one pounds [2722.01 kilograms] capacity and over 35.00
9. For inspecting Test overhead track scales, hopper scales, dormant scales, and hanging scales scale six thousand pounds [2721.55 kilograms] capacity and over 35.00
- For inspecting Test overhead track scales, dormant scales, hanging scales, and hopper scales scale five thousand nine hundred ninety-nine pounds [2721.10 kilograms] and less capacity, each 20.00
10. For inspecting Test movable platform scales scale 6.00

11. For inspecting all Test counter and or computing scales scale 6.00
12. For inspecting Test every patent balance, beam steel yard, or other instrument used for weighing other than the above ~~enumerated~~, each 6.00
13. For inspecting any Test two-bushel [70.48-liter] or one-bushel [35.24-liter] measure 6.00
14. For inspecting any Test other dry measure, each 6.00
15. For inspecting any Test board of cloth measure, each 6.00
16. For inspecting any Test liquid measure or computing pump 6.00
17. For each inspection of any Test liquid measure or computing pump in addition to the regularly scheduled annual inspection, including inspections made for new equipment which replaces a rejected measuring device 6.00
18. For inspecting Test liquid measures of five gallons [18.93 liters] or less capacity, each 6.00
19. For inspecting Test mobile delivery gasoline and fuel oil meters meter 15.00
20. For inspecting Test gasoline and or fuel oil meters meter on common carrier pipelines, and or any other meters meter used in loading railway cars, transports, or other conveyances 35.00
21. For inspecting Test propane and or liquid fertilizer meters meter 25.00
22. For calibrating Test truck tanks tank of one thousand gallons [3785.41 liters] capacity and under 30.00
Truck tanks Test truck tank between one thousand and one gallons [3789.10 liters] and six thousand gallons [22,712.47 liters] 40.00
Truck tanks Test truck tank above six thousand gallons [22,712.47 liters] 50.00
23. For inspection of Crane scales Test crane scale six thousand pounds [2721.55 kilograms] and less capacity, each 30.00
For inspection of Crane scales Test crane scale six thousand and one pounds [2722.01 kilograms]

capacity and over, each	50.00
24. <u>Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof</u>	7.50

Where ~~When~~ a rejected weighing ~~and~~ or measuring device has been reconditioned or replaced by new equipment, ~~the same~~ it must be reinspected ~~retested~~ and a certificate issued ~~certified~~ before being put into use, ~~and except as otherwise provided above, the by rule.~~ The fee charged for such reinspection ~~retest~~ and certification shall be ~~is~~ the same as for the first inspection test and certification. When the director or other employee of the department of weights and measures finds any of the instruments or articles used in weighing or measuring to be out of allowable tolerance set by the commission, the director or other employee shall inform the owner or operator that his weighing or measuring equipment is out of tolerance and to instruct him that a competent serviceman is to be called to service the device and bring said device to allowable tolerance.

Whenever a special inspection ~~When~~ a test of any a weighing or measuring device is required, in addition to the regularly scheduled annual inspection made by the department test, a charge of fifty cents per mile [1.61 kilometers] will be made unless the motor vehicle, including the testing equipment necessary to perform such special inspection, the test weighs less than ten thousand pounds [4535.92 kilograms] gross. If the motor vehicle weighs less than ten thousand pounds [4535.92 kilograms] gross, a charge of twenty-five cents per mile [1.61 kilometers] will be made, and all such mileage charges shall be ~~are~~ in addition to the regular inspection test fee to cover the costs of the additional travel by the director or employee occasioned by such special inspection. Where a special inspection test has been requested and the person requesting such special inspection it fails to appear at the arranged hour, or fails to have the weighing or measuring device in readiness ready for inspection or for repair or maintenance work testing at the arranged hour time, there shall be ~~is~~ a charge of thirty seven dollars and fifty cents ~~is~~ a quarter hour for the time interval between the arranged hour time and the hour time at which the inspection test can be commenced begin.

SECTION 10. AMENDMENT. Section 64-02-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-11. Payment of service test fee before using weighing or measuring device. No ~~scale, weight, measure,~~ or weighing or measuring device that has been sealed by any one of the employees of the department shall commission ~~may~~ be used, sold, or exposed for sale until the fee charged for the service test has been paid.

SECTION 11. AMENDMENT. Section 64-02-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-12. Fees collected - Paid into state treasury. All fees and charges collected by the commission under ~~the provisions of~~ section 64-02-10 shall be paid into the general fund of the state treasury.

SECTION 12. AMENDMENT. Section 64-02-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-13. Employees of department Commission to test weights and weighing or measuring devices annually. The director or any other employee of the department commission may test-

1. Any scale, weight, beam, or measure of any kind;
2. Any instrument or mechanical device for measurement; or
3. Any tool, appliance, or accessory connected with any instrument for measuring;

if the same is kept, offered, used, or employed, or is offered for sale or sold for the purpose of being used or employed, by any person in determining the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption which may be offered or submitted by any person for sale, hire, or reward or calibrate weighing or measuring devices annually. The owner of any weight, measure, or any other apparatus, hereinbefore described, weighing or measuring device used in this state is responsible for the its accuracy and condition of the same, and is required to shall have the same inspected it tested at least once each year annually. If upon inspection testing the said weight, measure, or other apparatus shall correspond with the standards in the possession of the department weighing or measuring device is within the permitted tolerance, it shall be sealed with the proper device to be approved by the director or employee except that inspections. Inspections and testing of farm milk bulk tank equipment shall be made only by the state dairy department as provided in under section 4-30-18. Upon receipt of a If upon complaint, the director shall cause such equipment to be tested and inspected within a reasonable period of time, and in the case where, as a result of such testing and inspection, the equipment is determined to be in accordance with the standards in the possession of the department commission finds the weighing or measuring device is within the permitted tolerance, the cost of such inspection and testing the test shall be paid by the complainant; and in all other cases the cost of such testing and inspection testing shall be paid by the owner of the equipment.

SECTION 13. AMENDMENT. Section 64-02-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-14. Incorrect weighing or measuring devices - Power to seize, condemn, and destroy. The director or any other employee of the department commission shall condemn, seize, or destroy any incorrect weight, measure, or weighing or measuring device which in his judgment cannot be satisfactorily repaired. Those weighing or measuring devices which are incorrect but which are capable of being repaired shall be marked as "condemned for repair" in the manner to be prescribed set by the director commission. The owner or user of any scale, weight, measure, or a weighing or measuring instrument device which has been so marked shall have the same it repaired or corrected within thirty days, and such the device shall may not be used or disposed of in any way without the consent of the director commission.

SECTION 14. AMENDMENT. Section 64-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-15. Vendor's and peddler's measuring and weighing apparatus subject to test weighing or measuring device. The director or any other employee of the department commission may enter into or upon any land, place,

~~building, or premises to stop any vendor, peddler, or junk dealer, or the driver of any coal wagon, ice wagon, or delivery vehicle, or any dealer whatsoever, and require him, if necessary, to proceed to some place which the director or employee of the department commission may specify for the purpose of making a proper test of the weighing apparatus or measuring devices used by such the vendor, driver, or dealer.~~

SECTION 15. AMENDMENT. Section 64-02-15.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-15.1. Duty of department commission to test accuracy of oil and gas production meters. The department commission shall randomly test and certify the accuracy of meters used to measure oil and gas production under section 38-08-20. The owner of the well shall contract for the testing of all meters with an independent contractor or may employ a qualified meter specialist approved by the department commission. The owner of the well shall repair or replace any meter that has a variance in excess of department standards the permitted tolerance. The department commission shall, in accordance with chapter 28-32, determine set the fee to be charged by the department commission for testing meters. All fees collected under this section must be paid to the general fund in the state treasury.

SECTION 16. AMENDMENT. Section 64-02-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-20. Departmental expenses Expenses. The commission may purchase supplies and equipment and may incur necessary expenses in carrying out the provisions of this title within legislative appropriations made for such purpose. Traveling expenses shall be are allowed the director and other employees of the department as provided in section 54-06-10.

SECTION 17. AMENDMENT. Section 64-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-01. False weights and measures. It ~~shall be~~ is unlawful for any person to:

1. Offer or expose for sale, sell, use, or ~~have in his possession~~ possess a false ~~scale, weight, measure, or~~ weighing or measuring device, for use in buying or selling any commodity or thing, or any ~~weight, measure, or~~ weighing or measuring device which has not been sealed as provided by section 64-02-13.
2. Dispose of any condemned ~~weight, measure, or~~ weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department commission.
3. Sell, offer, or expose for sale less than the quantity represented.
4. Sell, offer for sale, or ~~have in his possession~~ possess for the purpose of selling, any device or instrument to be used or calculated designed to falsify any weight or measure weighing or measuring device.
5. Refuse to pay any fee charged for testing or calibrating and sealing or condemning any ~~scale, weight, measure, or~~ weighing or measuring device.

SECTION 18. AMENDMENT. Section 64-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-02. False weights - Unlawful for public use. It ~~shall be is~~ unlawful for any person to knowingly and fraudulently ~~make use of a weight, measure, scale, balance, or beam for the purpose of purchase or sale weighing or measuring device, or to keep such a device for public use, which does not conform to the legal standard of weights and measures of the state, or to alter a weight, measure, scale, balance, or beam weighing or measuring device~~ after it has been adjusted tested or calibrated and sealed so that it does not conform to such the standard.

SECTION 19. AMENDMENT. Section 64-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-03. Fraudulently increasing weight. It ~~shall be is~~ unlawful for any person to place or conceal in any bag, bale, box, barrel, or other package containing with any goods usually sold by weight any foreign substance for the purpose of increasing the apparent weight of such container or package the goods.

SECTION 20. AMENDMENT. Section 64-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-06. Stamping false incorrect weight or tare. It ~~shall be is~~ unlawful for any person to knowingly mark or stamp false or short an incorrect weight or false tare on any cask or package, or to knowingly sell or offer for sale any cask or package so marked.

SECTION 21. AMENDMENT. Section 64-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-07. Violation of provisions relating to standard measurements and weights unlawful. It ~~shall be is~~ unlawful for any person buyer to, in buying, take any a greater number of pounds or cubic feet to the bushel, barrel, ton, cord, gallon, or fractional part, as the case may be, quantity than is provided by the standards established in this title, or any seller to, in selling, give any less number a lesser quantity, unless both parties to the sale have actual knowledge of the variation from the standards as established in this title.

SECTION 22. AMENDMENT. Section 64-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-09. General penalty. Any person who ~~shall violate~~ violates any of the provisions of this title ~~wherein~~ for which a specific penalty has not been provided ~~shall be is~~ guilty of a class B misdemeanor.

SECTION 23. AMENDMENT. Section 64-03-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-10. Duty of officer to seize persons violating provisions relating to false weights and measures weighing and measuring devices. When an An officer shall arrest arresting any person for a violation of any provision of this title, he shall seize any false weight or measure found weighing or measuring device in the possession of the person ~~so~~ arrested and

shall deliver the same it to the magistrate before whom the person so arrested is required to be taken.

SECTION 24. AMENDMENT. Section 64-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-11. Duty of state's attorney. ~~Upon~~ After the conviction of any person for violating any provision of this title, the state's attorney shall cause to be destroyed any weight or measure in respect whereof the accused stands convicted and which remains in the possession or under the control of such state's attorney false weighing or measuring device involved in the violation.

SECTION 25. AMENDMENT. Section 64-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-12. Duty of magistrate. The magistrate to whom any weight or measure weighing or measuring device is delivered, pursuant to under section 64-03-10, shall request an inspector of the department commission to test the same it, and if he finds it found to be false, the inspector shall cause it to be destroyed or to be delivered the commission shall destroy it or deliver it to the state's attorney of the county in which the accused is subject to prosecution or trial, as the interests of justice in his judgment may require prosecuted.

SECTION 26. AMENDMENT. Section 64-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-01. Restrictions upon sale of liquefied petroleum gas. It ~~shall be is~~ 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.

SECTION 27. AMENDMENT. Section 64-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-02. Authority of department of weights and measures commission to test and condemn weighing and measuring devices. The department of weights and measures shall be authorized to commission may test all or calibrate 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 not to be inaccurate within the permitted tolerance 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 commission. The department commission shall conspicuously mark all condemned devices, which mark shall may not be removed or defaced except upon authorization of the said department of weights and measures or its authorized representative commission.

SECTION 28. AMENDMENT. Section 64-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-03. Specification of liquid gas meters. All liquid gas meters ~~shall~~ must 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~~. The meters ~~shall~~ must be corrected, prior to use, to sixty degrees Fahrenheit [15.5 degrees Celsius] liquid gas temperature and all deliveries of liquid gas through such meters ~~shall~~ must, at the time and place of ~~such~~ delivery, be temperature corrected to sixty degrees Fahrenheit [15.5 degrees Celsius] ~~to the temperature of the liquid gas at the time and place of delivery~~ and the customer ~~shall~~ be billed accordingly. It ~~shall~~ be is 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~~ may not be equipped with a bypass around ~~said~~ the liquid meter ~~provided; however, that the~~. The prohibition of a bypass is does not ~~intended~~ to prohibit the use of an equalization line.

SECTION 29. AMENDMENT. Section 64-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-04. Commission ~~may formulate regulations~~ rules - Tolerances. The ~~public service~~ commission ~~is hereby authorized to promulgate and may~~ 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 chapter~~ having the force or effect of the law.

SECTION 30. AMENDMENT. Section 64-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-05. Penalty. Any person who violates any of the provisions of this chapter ~~or fails to comply with its requirements or any of the~~ commission rules ~~and regulations issued hereunder shall be deemed~~ is guilty of a class B misdemeanor.

SECTION 31. REPEAL. Sections 64-02-05.1, 64-02-06, 64-02-19, and 64-03-05 of the North Dakota Century Code are hereby repealed.

Approved March 29, 1989
Filed March 30, 1989