

SENATE BILL No. 405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-6-10.

Synopsis: Prices based on weights and measures. Requires the division of weights and measures of the state department of health to adopt rules that require state, county, and city weights and measures inspectors to inspect and test for the accuracy of weights and measures commercially used to compute the basic charges or payments for services rendered on the basis of weight, measure, or count. Requires the state, county, and city weights and measures inspectors to inspect prices and point-of-sale systems for accuracy under the rules adopted by the division of weights and measures. Makes misrepresenting the price of a commodity or service or representing the price in a manner tending to mislead or deceive a Class C infraction.

Effective: July 1, 1998.

Randolph

January 9, 1998, read first time and referred to Committee on Commerce and Consumer Affairs.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 405



A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations and consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-6-10 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]:

4 **Chapter 10. Price Verification**

5 **Sec. 1. As used in this chapter, "division" refers to the division**
6 **of weights and measures of the state department of health.**

7 **Sec. 2. As used in this chapter, "point-of-sale system" refers to**
8 **an automated system for retail pricing.**

9 **Sec. 3. (a) The division shall adopt rules under IC 4-22-2 that**
10 **require the following:**

11 **(1) That state, county, and city inspectors do the following:**

12 **(A) Inspect and test the accuracy of weights and measures**
13 **commercially used to compute the basic charge or payment**
14 **required for services rendered on the basis of the weight,**
15 **measure, or count of a product.**

16 **(B) Inspect, if necessary, advertised prices and price**
17 **representations and point-of-sale systems to determine:**



- 1 (i) the accuracy of prices and computations and the
- 2 correct use of pricing equipment; and
- 3 (ii) the accuracy of prices printed or recalled from a
- 4 database, if scanning or coding is used in place of manual
- 5 entry.
- 6 (2) The enforcement of this section.
- 7 (b) The rules adopted under subsection (a)(1) must require the
- 8 use of recognized examination procedures such as those set forth
- 9 in "The National Institute of Standards and Technology Handbook
- 10 130, Uniform Laws and Regulations: Examination Procedures for
- 11 Price Verification".
- 12 Sec. 4. A person who:
- 13 (1) misrepresents the price of a commodity or service sold,
- 14 offered, exposed, or advertised for sale by weight, measure, or
- 15 count; or
- 16 (2) represents the price of a commodity or service sold,
- 17 offered, exposed, or advertised for sale by weight, measure, or
- 18 count in a manner calculated or tending to mislead or deceive;
- 19 on at least three (3) occasions commits a Class C infraction.

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