

1969 Assembly Bill 960

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**CHAPTER 309, LAWS OF 1969**

AN ACT to amend 98.03 (1), 98.04 (1) and 98.245 (2); to repeal and re-create 98.22; and to create 98.05 (5) of the statutes, relating to weights and measures.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 98.03 (1) of the statutes is amended to read:

98.03 (1) Weights and measures obtained by the state as standards and certified for use as such by the national bureau of standards shall be the state standards of weight and measure. They shall be in the custody of

the department and shall be used only for ~~scientific purposes and for verifying municipal and~~ verification of other standards used in enforcement work.

SECTION 2. 98.04 (1) of the statutes is amended to read:

98.04 (1) Each municipality having a population of more than 5,000, according to the latest federal census, shall enforce the provisions of this chapter within its jurisdiction. For this purpose it shall establish a municipal department of weights and measures. Each municipal department of weights and measures shall have such number of qualified sealers or inspectors as will insure compliance with this chapter. Municipal sealers or inspectors shall have the same authority as sealers or inspectors of the department. The selection of municipal sealers or inspectors shall be from a list of applicants whose qualifications have been certified by the state or local civil service agency under the rules of the agency. Such municipality shall procure and shall keep at all times a complete set of standards of weight and measure conforming to the state standards ~~and certified to, and such standards shall be submitted for certification at regular intervals as required~~ by the department. It shall keep a complete record of its work and annually shall file a report thereof with the department. Municipalities may enact ordinances regulating weights and measures not in conflict with this chapter or the rules of the department, but no fees shall be imposed.

SECTION 3. 98.05 (5) of the statutes is created to read:

98.05 (5) The department shall:

- (a) Establish and maintain a measurement center laboratory for the testing and calibration of weights and measures; and
- (b) Fix and collect charges sufficient to cover the cost for the testing and calibration done in the measurement center laboratory, provided that state, county and municipal governments shall be exempt from these charges for verifications of weights and measures used in enforcement work.

SECTION 4. 98.22 of the statutes is repealed and recreated to read:

98.22 BULK DELIVERIES SOLD IN TERMS OF WEIGHT AND DELIVERED BY VEHICLE. When a commodity in bulk is delivered by vehicle to an individual purchaser and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated in ink or by means of other indelible marking equipment:

- (1) the name and address of the vendor;
- (2) the name and address of the purchaser; and
- (3) the net weight of the delivery expressed in pounds, but where milk is picked up at farms, only the identity of the vendor and the net weight need be stated. If the net weight is derived from determination of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds on the ticket. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered, on demand to the inspector or sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. If the purchaser himself carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him. If the commodity is to be weighed by the purchaser, the purchaser shall furnish the vendor the duplicate delivery ticket provided for herein.

SECTION 5. 98.245 (2) of the statutes is amended to read:

98.245 (2) When liquefied petroleum gas is sold or offered for sale at

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retail by weight, in portable containers, the tare weight of the container shall be plainly and conspicuously marked on the outside of the container. Tare weight shall not be construed to include the valve protecting cap, which shall be removed when weighing. It is unlawful to sell or offer or expose for sale liquefied petroleum gas in packages or containers which do not bear a statement as to tare weight as required by this section, or which packages or containers bear a false statement as to tare weight, *provided packages intended to be used only once and clearly marked with the statement "not refillable" are exempt from this tare weight requirement.*

Approved December 10, 1969.

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