WEIGHTS AND MEASURES ACT

Act 283 of 1964

AN ACT to regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1975, Act 217, Imd. Eff. Aug. 26, 1975

The People of the State of Michigan enact:

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290.601 Short title.

Sec. 1.

This act shall be known and may be cited as the "weights and measures act".

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002

290.602 Definitions.

Sec. 2.

As used in this act:

(a) "Automatic checkout system" means an electronic device, computer, or machine that determines the price of a consumer item by using a product identity code and may, but is not required to, include an optical scanner.

(b) "Certificate of conformance" means a document issued by the NCWM based on testing by a participating laboratory that constitutes evidence of conformance of a type.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale including an individual item or lot of any commodity not in a form as described in this subdivision but upon which there is marked a selling price based on an established price per unit of weight or measure. Commodity in package form does not include an auxiliary shipping container enclosing packages that conform to the requirements of this act.

(d) "Commercial weighing and measuring device" means any weights and measures or weighing and measuring device, including any accessory attached to or used in connection with the weighing or measuring device that is designed or installed in a manner that its operation affects or may affect the accuracy of the device, used or employed in commerce for any of the following:

(i) Establishing the size, quantity, extent, area, or measurement of any commodity sold, offered, or submitted for hire.

(ii) Computing any basic charge or payment for services rendered on the basis of weight, measure, or count.

(iii) Establishing eligibility for any award.

(e) "Consumer package" means a package that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption or use by individuals for

the purposes of personal care or in performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(f) "Department" means the department of agriculture and rural development.

(g) "Director" means the director of the department or his or her designee.

(h) "Inspector" means an employee or agent of the department authorized to enforce this act.

(i) "NCWM" means the national conference on weights and measures, inc.

(j) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials, substances, or items not considered to be part of the commodity include containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, prizes, coupons, and, in the case of edible commodities, anything that is nonedible.

(k) "NIST" means the United States Department of Commerce, National Institute of Standards and Technology.

(l) "NTEP" means the national type evaluation program administered by the NCWM, in cooperation with the states, the private sector, and the NIST for determining on a uniform basis conformance of a type.

(m) "Nonconsumer package" means a package other than a consumer package and includes, but is not limited to, a package intended solely for industrial or institutional use or for wholesale distribution.

(n) "Participating laboratory" means a state measurement laboratory that is accredited by NCWM to conduct a type evaluation under the NTEP and determined otherwise acceptable to the director.

(o) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(p) "Placed-in-service report" means the approved form issued to registered servicepersons and registered service agencies for their use in accordance with the requirements of section 9b.

(q) "Registered service agency" means an agency, firm, company, or corporation that installs, services, repairs, reconditions, or places into service commercial weights and measures and that holds a registration issued by the director.

(r) "Registered serviceperson" means an individual who installs, services, repairs, reconditions, or places into service commercial weights and measures and who holds a registration issued by the director.

(s) "Registration audit" means an official inspection of a registered service agency's or registered serviceperson's accounts, paperwork, and offices.

(t) "Rule" means an administrative rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(u) "Sell" or "sale" means sale, barter, or exchange.

(v) "Type" means a model or models of a particular device measurement system, instrument, element, or a field standard that positively identifies the design and that may vary in its measurement ranges, size, performance, and operating characteristics as specified in the certificate of conformance.

(w) "Type evaluation" means the testing, examination, and evaluation of a type by a participating laboratory under the NTEP.

(x) "Weight", in connection with any commodity or service, means net weight.

(y) "Weights and measures" means weights and measures of every kind, instruments and devices for weighing and measuring, grain moisture meters, and any appliances and accessories associated with any or all of those instruments and devices. Weights and measures include automatic checkout systems. Weights and measures do not include meters for the

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measurement of electricity, natural or manufactured gas, water, or the usage of communications services when any of these meters are regulated and tested as part of a public utilities system.

(z) "Weighing and measuring device" means all instruments and devices of every kind used to determine the quantity of any commodity and includes weights and measures and any appliance and accessories associated with any of these instruments and devices, except meters, appliances, and accessories that are part of a public utility regulated by the Michigan public service commission.

(aa) "Weighing and measuring establishment" means a location with 1 or more commercial weighing and measuring devices or any operation that employs commercial weighing and measuring devices that are mobile.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968 ;-- Am. 1982, Act 260, Imd. Eff. Oct. 4, 1982 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

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290.603 Recognized systems of weights and measures; use; recognized definitions, tables, and equivalents governing equipment and transactions.

Sec. 3.

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems or both shall be used, for all commercial purposes in this state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the NIST, are recognized and shall govern weighing and measuring equipment and transactions in this state.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 271, Imd. Eff. June 29, 1978 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012

290.604 State reference standards of weights and measures; storage; maintenance; removal from laboratory; use.

Sec. 4.

The state reference standards shall be maintained traceable to the international system of units through calibrations by a national metrology institute and shall be kept in a safe and suitable place in the weights and measures laboratory of the department and shall be maintained as recommended by the NIST handbook 143, which is incorporated by reference, unless otherwise noted. The state primary standards shall not be removed from the weights and measures laboratory except for repairs or certification. The state primary standards shall be used only to verify the secondary standards and for scientific purposes.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 117, Imd. Eff. Apr. 18, 1978 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012

290.605 Keeping copies of state primary standards as secondary standards; field standards and equipment; verification.

Sec. 5.

In addition to the state primary standards provided for in section 4, this state shall supply at least 1 complete set of copies of the state primary standards to be kept in the weights and measures laboratory of the department to be known as secondary standards. This state shall also supply field standards and equipment as may be found necessary to carry out this act. The secondary standards shall be verified upon their initial receipt and as often thereafter as the director considers necessary. The field standards shall be verified upon their initial receipt and at least once every 5 years thereafter. The secondary standards shall be verified by direct comparison with the state primary standards. The field standards shall be verified by direct comparison with the secondary standards.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 117, Imd. Eff. Apr. 18, 1978 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012

290.606 State director of weights and measures; deputy; inspectors.

Sec. 6.

The director by virtue of his or her office shall be state director of weights and measures during his or her term of office. His or her deputy shall be deputy director of weights and measures, and all inspectors appointed by the director shall be state inspectors and sealers of weights and measures.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012

290.607 Custody and records of standards and equipment; enforcement of act; general supervision; annual report.

Sec. 7.

The director shall:

(a) Have the custody of and keep accurate records of the state primary standards of weights and measures and the other standards and equipment provided for by this act.

(b) Enforce this act.

(c) Have general supervision over the weights and measures offered for sale, sold or used in this state.

(d) After the close of the fiscal year, report to the governor on all of his or her official activities.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 117, Imd. Eff. Apr. 18, 1978

290.608 Rules; exemptions.

Sec. 8.

(1) The director may promulgate rules necessary to administer and enforce this act. These rules may include any of the following:

(a) Standards of net weight, measure, or count.

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(b) Technical and reporting procedures and the report and record forms and marks of approval and rejection to be used by inspectors in the discharge of their official duties.

(c) Exemptions from the sealing or marking requirements of section 14 with respect to weights and measures of the character or size that the sealing or marking would be inappropriate, impractical, or damaging to the apparatus in question.

(d) With respect to classes of weights and measures determined by the director to be of a character that frequent retesting is unnecessary to continued accuracy, exemptions from the requirements of sections 9 and 10 for testing and schedules fixing the frequency of required retests for classes of devices so exempted.

(e) The voluntary regulation and registration of registered service persons and registered service agencies.

(f) Standards for automatic checkout systems.

(2) The director shall promulgate rules that provide for specifications, tolerances, and regulations for weights and measures specified in section 10 that are designed to eliminate from use, without prejudice to apparatuses that conform as closely as practicable to the official standards, those apparatuses that are not accurate, that are of such construction so as not to be reasonably permanent in their adjustment or will not repeat their indications correctly, or that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weights and measures, together with amendments to those specifications, tolerances, and regulations, as described in section 28c, shall be the specifications and tolerances for commercial weights and measures of this state except as specifically supplemented, updated, modified, amended, or rejected by a rule of the director. For the purposes of this act, an apparatus shall be considered to be correct when it conforms to all applicable rules adopted as specified in this section. An apparatus is considered to be incorrect if it does not conform to all applicable standards incorporated by reference in section 28c and rules adopted under this section.

(3) The director may grant exemptions to the specifications published in the standards, incorporated by reference in section 28c, if a written request for an exemption is submitted stating the reason an exemption is required or desirable. The term of any granted exemption shall be set by the director with the exemption subject to revocation if the terms of the exemption agreement are not met.

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History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968 ;-- Am. 1982, Act 62, Imd. Eff. Apr. 8, 1982 ;-- Am. 1982, Act 260, Imd. Eff. Oct. 4, 1982 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002

Admin Rule: R 285.548.1 et seq.; R 285.559.1 et seq.; and R 290.1 et seq. of the Michigan Administrative Code.

290.609 State director of weights and measures; testing of standards, inspections; testing of weights and measures for state purchases.

Sec. 9.

The director, at least once every 5 years, shall test the standards of weights and measures procured by any city or county for which the appointment of a sealer of weights and measures is provided by this act, and shall approve the same when found to be correct, and he shall inspect such standards at least once every 2 years. He shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and report his findings in writing to the supervisory board and to the executive office of the institution concerned.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.609a Weighing device; measuring device; certificates of conformance; participating laboratory.

Sec. 9a.

(1) A weighing device placed in service after January 1, 1988 must have valid certificates of conformance before use for commercial or law enforcement purposes. A non-NTEP weighing device for special use may be used for products for which an NTEP weighing device is not readily available, if all of the following conditions are met:

(a) The device owner receives written approval from the director.

(b) The device is tested on an annual basis by a registered service agency.

(c) The registered service agency records all testing data and the records are retained on site and made available to the department on request.

(2) A measuring device placed in service on or after October 29, 2002 must have valid certificates of conformance before use for commercial or law enforcement purposes. A non-NTEP measuring device for special use may be used for products for which an NTEP measuring device is not readily available, if all of the following conditions are met:

(a) The device owner receives written approval from the director.

(b) The device is tested on an annual basis by a registered service agency.

(c) The registered service agency records all testing data and the records are retained on site and made available to the department on request.

(3) The director may operate a participating laboratory as part of NTEP. The director may charge and collect fees pursuant to section 10b for services rendered by the participating laboratory.

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History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.609b Servicepersons and agencies; registration requirements; fee; denial, suspension, or revocation of registration; enforcement action.

Sec. 9b.

(1) The director shall issue a registration for servicepersons and service agencies seeking registration under this section in accordance with the standards described in section 28c. Registration with the director under this section is voluntary.

(2) A person may apply for initial and renewal registration as a serviceperson or service agency in specific competency areas. Competence in a subject matter area may be demonstrated by scoring at least 80% on a department-approved competency test for that area in compliance with the standards described in section 28c. A registrant shall retake the department-approved competency test every 4 years or as otherwise required by law.

(3) The term of registration is 2 years from the date of issuance. A registration may be transferred to a different registered service agency if the registration is retained by the original serviceperson and the new service agency pays the service agency registration fee.

(4) The fee for registration under this section must be established in accordance with section 10b(1).

(5) Certification of standards used by the registered serviceperson or registered service agency must be accomplished by the registrant at least biennially. The certification of standards may be done at any approved laboratory. The registrant shall submit documentation of international standards traceable calibration reports with the registration or renewal application.

(6) Within 5 business days after a device is returned to service or placed in service, the original of a properly executed placed-in-service report, all applicable test or calibration data, and any official department rejection tag removed from the device must be mailed to the director at an address indicated on the tag.

(7) The director may deny, suspend, or revoke a registration for a violation of this act or rules promulgated under this act. Enforcement actions include, but are not limited to, the following:

(a) Written warning.

(b) Conference with the director.

(c) Suspension of the registration.

(d) Revocation of the registration.

(8) Before the suspension or revocation of a registration, the director shall notify the registrant in writing stating the reasons for the registration being subject to suspension or revocation and advising that the registration must be suspended or revoked 15 days after the sending of the notice unless the registrant files a request for a hearing with the department within that 15-day period. If a written request for a hearing is not filed within the 15-day period, the department shall suspend or revoke the registration.

(9) A notice under subsection (8) is considered properly served when it is personally delivered to the registrant or when it is sent by registered or certified mail, return receipt requested, to the registrant's last known address.

(10) Except as otherwise provided for in this act, the director may initiate an enforcement action against a registered serviceperson or registered service agency for any or all of the following:

(a) Failure of a weighing or measuring device during an official inspection within 30 days after being placed in service following an initial installation.

(b) Failure of a weighing or measuring device during an official inspection within 30 days after being placed in service following a major overhaul or repair that may or may not have been the result of an official condemnation by a weights and measures official.

(c) The return to commercial use of a device tagged "not sealed".

(d) Placing a device in service with improper or insufficient standards.

(e) Falsifying a placed-in-service report or test report.

(f) Placing in service or allowing to remain in service, without notifying the director, an incorrect weighing or measuring device.

(g) Failure to provide placed-in-service reports or other documentation as required by this section.

(h) Placing a device in service without having the proper certification as required by law.

(i) Failure to comply with a request for documents or other information related directly to a registration audit.

(j) Failure to submit a placed-in-service report for a weighing and measuring device found in an out-of-tolerance condition and returned to a condition as close to zero as practicable.

(k) Failure to properly seal a device.

(l) Failure to employ the use of an approved security seal that contains a unique identifying mark that is approved and is registered with the department.

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History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2012, Act 253, Imd. Eff. July 2, 2012 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.610 State director of weights and measures; inspecting and testing of weights and measures kept for sale or used commercially; sampling.

Sec. 10.

When not otherwise provided by law, the director may inspect, and test to ascertain if they are correct, all weights and measures kept, offered or exposed for sale. He shall inspect, and test to ascertain if they are correct, all weights and measures commercially used in (1) determining the weight, measurement or count of commodities or things sold or offered or exposed for sale on the basis of weight or of measure or count, (2) computing the basic charge or payment for services rendered on the basis of weight or of measure or count. With respect to devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced as by means of a mold or die and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section shall be satisfied when inspections and tests are made on representative samples of such devices; and the lots, of which such samples are representative, shall be held to be correct or incorrect upon the basis of the results of the inspection and tests on such samples.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968

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290.610a Inspection fee; fees and expenses for special services; disposition of monies.

Sec. 10a.

(1) A fee shall not be charged for the regular inspection of any weights and measures or commodity subject to this act. A fee shall be charged to the owner or responsible party of any weights and measures or commodity subject to this act under either of the following circumstances:

(a) The inspection is a reinspection of any weights and measures or a lot sample of a commodity subject to this act that has been tested and found incorrect.

(b) The inspection is performed at the request of the owner or responsible party.

(2) The director shall establish the fees and expenses for special services, including fees for voluntary registration and type evaluation. Money collected by the department for special services, fees, and civil fines shall be paid into the general fund and credited to the department for weights and measures programs.

History: Add. 1975, Act 217, Imd. Eff. Aug. 26, 1975 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012

290.610b Fee schedules.

Sec. 10b.

(1) The department may annually adjust the schedule of fees for reinspections, voluntary registrations, type evaluations, special weights and measures inspections, and other special

services requested of the department to provide that each category of fee charged is sufficient to cover the cost of the activities and that the aggregate of fees collected is sufficient to pay for all salaries and other expenses connected with the activities described in this subsection.

(2) Except as otherwise provided by law, an owner or operator of weights and measures that are assessed an administrative fine, civil fine, or a fee as described in this section or section 10a, or any combination of administrative fine, civil fine, or fee, who does not pay the administrative fine, civil fine, or fee within 60 days after written notice of the assessment is sent may be subject to a stop use order, issued by the director, for those weights and measures.

History: Add. 1975, Act 217, Imd. Eff. Aug. 26, 1975 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012

290.611 State director of weights and measures; investigation of complaints; commercial transactions.

Sec. 11.

The director shall investigate complaints made to him concerning violations of the provisions of this act, and shall, upon his own initiative, conduct such investigations as he deems advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

History: 1964, Act 283, Eff. Aug. 28, 1964

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290.612 State director of weights and measures; weight, measurement, or inspection of packages of commodities, sampling procedures.

Sec. 12.

The director, as often as he deems advisable, shall weigh, measure or inspect packages or amounts of commodities offered or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they be offered or exposed for sale, or sold in accordance with law. When such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, or offered or exposed for sale in violation of law, the director may order their sale discontinued and may so mark or tag them as to show them to be illegal. The director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.613 State director of weights and measures; stop-use orders, stop-removal orders, removal orders.

Sec. 13.

The director may issue stop-use orders, stop-removal orders or removal orders with respect to weights and measures being or susceptible of being commercially used. He may issue stop-removal orders or removal orders with respect to packages or amounts of commodities kept,

offered or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this act he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified any weight, measure, package or amount of commodity contrary to the terms of any order issued pursuant to this section.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.614 State director of weights and measures; approval, rejection, condemnation, confiscation.

Sec. 14.

The director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection or test to be "correct" as defined in section 8. He shall reject or condemn and seal or mark as "rejected" or "condemned" such weights and measures as he finds upon inspection or test to be "incorrect" as defined in section 8. Sealing or marking shall not be required with respect to weights and measures which are exempted by a regulation of the director issued under the authority of section 8. The director shall reject or condemn and may seize and destroy weights and measures found to be incorrect. Weights and measures that have been rejected or condemned and ordered corrected or disposed of may be confiscated and may be destroyed by the director if not corrected as required by, or if disposed of contrary to the requirements of, section 22.

History: 1964, Act 283, Eff. Aug. 28, 1964

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290.615 State director of weights and measures; enforcement, seizure without formal warrant.

Sec. 15.

The director is vested with special powers with respect to the enforcement of this act and any other acts dealing with weights and measures that he is or may be empowered to enforce. He may seize for use as evidence without formal warrant incorrect or unsealed weights and measures or amounts or packages of commodities found to be used, retained, offered or exposed for sale, or sold in violation of law. In the performance of his official duties, he may enter and go into or upon without formal warrant any structure or premises.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.616 State director of weights and measures; powers of deputy director and inspectors.

Sec. 16.

The powers and duties given to and imposed upon the director by this act are hereby given to and imposed upon the deputy director and inspectors when acting under the instructions and at the direction of the director.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.617 Sealer of weights and measures, deputy sealers, supervising inspectors, city and county inspectors; appointment.

Sec. 17.

A sealer of weights and measures, and such deputy sealers, supervising inspectors, and city or county inspectors of weights and measures as may be required, may be appointed in and for each city and county by the appointing authority of the city or county.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.618 Sealer of weights and measures, deputy sealers, supervising inspectors, city and county inspectors; jurisdiction; city or county ordinances.

Sec. 18.

The sealer of a city or a county, and his deputy sealers, supervising inspectors, and city or county inspectors when acting under his instructions and at his direction, shall have the same powers and shall perform the same duties within the city or the county for which appointed as are granted to and imposed upon the director by this act, except that the jurisdiction of a county sealer shall not extend to any city for which a city sealer has been appointed as provided for by section 17.

No city or county shall adopt any ordinance contrary to or in any way conflicting with this act, or adopt any regulation contrary to or in any way differing from the provisions of any regulations adopted by the director under the provisions of this act.

History: 1964, Act 283, Eff. Aug. 28, 1964

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290.619 City and county official standards; comparison with state standards.

Sec. 19.

Standards of weights and measures provided by a city or county, after examination and approval by the director, shall be the official standards for such city or county. The sealer shall make, or arrange to have made, at least as frequently as once in 5 years, comparisons between his standards and appropriate standards of a higher order belonging to the state in order to maintain such standards in accurate condition.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.620 Joint county and city weights and measures jurisdiction; powers.

Sec. 20.

A county and 1 or more cities situated therein, with the consent of the director, may establish a joint weights and measures jurisdiction with 1 sealer and such deputy sealers, supervising inspectors, and city or county inspectors as may be required, under an agreement between the board of county supervisors and the city or cities involved. The sealer of the joint jurisdiction, and his deputy sealers, supervising inspectors, and city or county inspectors when acting under his instructions and at his direction, shall have the same powers and shall perform the same duties within the joint jurisdiction for which appointed as are granted to and imposed upon the director by this act.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.621 State director of weights and measures; concurrent enforcement powers.

Sec. 21.

The director shall have concurrent authority to enforce the provisions of this act in counties and cities for which sealers of weights and measures have been appointed as provided for in this act.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.622 Rejected or condemned weights and measures; disposition.

Sec. 22.

Weights and measures that have been rejected or condemned and ordered corrected or disposed of under the authority of the director or of a sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made pursuant to this section. The owners of such rejected or condemned weights and measures shall cause the same to be made correct within a specified period authorized by the rejecting authority, or may dispose of the same but only in such manner as is specifically authorized by the rejecting authority.

History: 1964, Act 283, Eff. Aug. 28, 1964

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290.623 Commodities, liquid, nonliquid, measurement; exceptions.

Sec. 23.

Commodities in liquid form shall be sold only by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, measure, or by count. However, liquid commodities may be sold by weight and nonliquid commodities may be sold by count only if such methods give accurate information as to the quantity of commodity sold. This section shall not apply to (1) commodities sold for immediate consumption on the premises where sold, (2) vegetables sold by the head or bunch, (3) commodities in containers standardized by a law of this state or by federal law, or (4) commodities in package form when there exists a general consumer usage to express the quantity in some other manner. The director may issue regulations necessary to assure that amounts of commodities sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties in interest.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968
Admin Rule: R 285.548.1 et seq. of the Michigan Administrative Code.

290.624 Package labels; contents; allowable variations.

Sec. 24.

(1) Except as otherwise provided in this act, any commodity in package form kept for the purpose of sale, or offered or exposed for sale, must bear on the outside of the package definite, plain, legible, and conspicuous declarations of all of the following:

(a) The identity of the commodity in the package, unless the commodity can easily be identified through the wrapper or container.

(b) Except as otherwise provided in this act, the net quantity of the contents in terms of weight, measure, or count. The term "when packed" or any words of similar import, or any term qualifying a unit of weight, measure, or count, such as "jumbo", "giant", "full", "approximate", and the like that tends to exaggerate the amount of commodity in a package, must not be used.

(c) The name and place of business of the manufacturer, packer or distributor in the case of any package kept, offered or exposed for sale, or sold any place other than on the premises where packed as may be prescribed by regulation promulgated by the director.

(2) The director shall, by regulation, establish reasonable variations to be allowed that may include variations below the declared weight or measure caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure. The regulations must provide for exemptions for small packages and for commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

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History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.625 Package labels; random weights, measures or counts, additional declarations.

Sec. 25.

In addition to the declarations required by section 24, any commodity in package form, which package is one of a lot containing random weights, measures or counts of the same commodity and bears the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.626 Packages; misleading wrappers.

Sec. 26.

Any commodity in package form shall not be so wrapped, nor shall it be in a container so made, formed or filled as to mislead the purchaser as to the quantity of the contents of the package.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.627 Packages; advertisement, declaration of quantity.

Sec. 27.

Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there must be closely and conspicuously associated with the statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package, except that this section must not apply to products for agricultural or horticultural use where the custom is to state the number of

objects or amount of area that can be treated per package unit and the number or area is stated. Where the law or regulation requires the declaration of net quantity to appear on the package in terms of more than 1 unit of weight or measure, only the smallest unit of weight or measure need be stated in the advertisement. In connection with the declaration the qualifying term "when packaged" or any other words of similar import, or any term qualifying a unit of weight, measure or count, for example, "jumbo", "giant", "full", "approximate", and the like that tends to exaggerate the amount of commodity in the package, must not be used.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 264, Eff. Nov. 15, 1968 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

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290.628 Commodities; sale by weight, net weight.

Sec. 28.

When any commodity is sold on the basis of weight, the net weight of the commodity shall be employed and all contracts concerning commodities shall be so construed.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.628a Meat, meat products, poultry and seafood sold by weight; food combination sold by weight, quantity representation by total weight of product or combination.

Sec. 28a.

Except for immediate consumption on the premises where sold, or as 1 of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the premises where sold, all meat, meat products, poultry, whole or parts, and all seafood except shellfish, offered or exposed for sale or sold, as food shall be offered or exposed for sale and sold by weight. When meat, poultry or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight, and the quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

History: Add. 1968, Act 264, Eff. Nov. 15, 1968

290.628b Commodity or service; sale by weight, measure or count; misrepresentation; display of price including fraction of a cent.

Sec. 28b.

Whenever any commodity or service is sold, or is offered, exposed or advertised for sale, by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted or labeled price per unit of weight, measure or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the

same general design and style as, and at least 1/2 the height and width of the numerals representing the whole cents.

History: Add. 1968, Act 264, Eff. Nov. 15, 1968

290.628c Commodity sale; method; packaging and labeling requirements; cottage food operation; certificate of conformance; compliance standards; registration for servicepersons and agencies; "ton" and "gross ton" defined; motor vehicle repair facility.

Sec. 28c.

(1) Except as otherwise provided for in this subsection, the method of sale of a commodity sold in this state must conform to the "uniform regulation for the method of sale of commodities" published in the 2023 edition of the NIST handbook 130, which is incorporated by reference, except as otherwise provided in this section or where modified by rule. Section 2.21 of the "uniform regulation for the method of sale of commodities" published in the 2023 edition of the NIST handbook 130 is not adopted. The buying and selling of liquefied petroleum gas may also be conducted by a flat rate price, if the price rate is clearly and conspicuously posted for potential customer viewing. This subsection applies only to tanks of 100 pounds or less.

(2) Except as otherwise provided in this subsection, the packaging and labeling requirements for commodities sold in this state must conform to the "uniform packaging and labeling regulation" published in the 2023 edition of the NIST handbook 130, which is incorporated by reference, except for section 13 of that publication or except as otherwise modified by rule. A cottage food operation does not have to include the address of the cottage food operation on a label if both of the following conditions are met:

(a) The cottage food product is produced in accordance with section 4102 of the food law, 2000 PA 92, MCL 289.4102.

(b) The cottage food operation is registered with and is issued a registration number by the MSU Product Center in accordance with section 4102(8) of the food law, 2000 PA 92, MCL 289.4102.

(3) A certificate of conformance for a type must comply with the requirements of NCWM publication 14, "national type evaluation program technical policy, checklists and test procedures", and the 2023 edition of the NIST handbook 44, "specifications, tolerances, and other technical requirements for weighing and measuring devices", which is incorporated by reference.

(4) The determination for a uniform basis conformance for a type must comply with NCWM publication 14, "national type evaluation program technical policy, checklists and test procedures", and the 2023 edition of the NIST handbook 44, "specifications, tolerances, and other technical requirements for weighing and measuring devices", which is incorporated by reference.

(5) The specifications, tolerances, and regulations for commercial weights and measures must be in compliance with the standards contained in the 2023 edition of the NIST handbook 44, which is incorporated by reference.

(6) Registration for servicepersons and service agencies and competency tests must be in compliance with the standards contained in the 2023 edition of the NIST handbook 130, "uniform regulation for the voluntary registration of servicepersons and service agencies for commercial weighing and measuring devices", which is incorporated by reference, and the 2023 edition of the NIST handbook 44, which is incorporated by reference.

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(7) For purposes of implementing the 2023 edition of the NIST handbook 44 and the 2023 edition of the NIST handbook 130, "ton" means a weight of 2,000 pounds avoirdupois and "gross ton" means a weight of 2,240 pounds avoirdupois.

(8) Notwithstanding any other provision of this act, a motor vehicle repair facility registered under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1301 to 257.1340, is subject to the oversight of the secretary of state under that act. If the secretary of state believes that a motor vehicle repair facility may have violated section 2.33, "Oil", of the "uniform regulation for the method of sale of commodities", of the 2023 edition of the NIST handbook 130, which is incorporated by reference, the secretary of state may refer the matter to the department. A motor vehicle repair facility is not subject to oversight by the department under this act for a violation of section 2.33, "Oil", of the "uniform regulation for the method of sale of commodities", of the 2023 edition of the NIST handbook 130 unless the matter has been referred to the department by the secretary of state as provided for in this subsection.

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History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2003, Act 189, Imd. Eff. Oct. 31, 2003 ;-- Am. 2008, Act 351, Imd. Eff. Dec. 23, 2008 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012 ;-- Am. 2016, Act 464, Eff. Apr. 5, 2017 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.628d Gross weight of vehicle or truck tractor with multiple trailers; determination; scale; inapplicability of section to enforcement of vehicle weight under Michigan vehicle code.

Sec. 28d.

(1) Notwithstanding any requirements adopted under section 28c, the gross weight of a vehicle shall be determined by weighing the vehicle in a single measurement for a vehicle that is not a tractor-trailer combination and not by adding the results of multiple measurements taken at opposite ends of the vehicle. The gross weight of any tractor-trailer combination shall be determined by the method described in subsection (2).

(2) The gross weight combination of a truck tractor with multiple trailers shall be determined without uncoupling and by using a method of split weighing and combining the measurements, if necessary, if the following conditions are met:

(a) The brakes on the tractor and trailers shall be released.

(b) There shall be no tension on the draw bar.

(c) The approaches to the scale shall be straight and on the same level as the scale.

(d) The approaches to the scale shall be of sufficient width and length to ensure level positioning of the coupled vehicles during weighing.

(3) A scale used to weigh vehicles under subsection (2) shall be tested at least annually or upon repair or maintenance of the weights and measures device, by weighing a coupled tractor with multiple trailers as a single unit and comparing that weight with the combined weight of each vehicle weighed separately. If the weights determined by this method vary by more than 0.2%, the scale shall not be used to determine the gross weight of vehicles while they are coupled until the scales are corrected to properly measure within the 0.2% range. All testing data shall be recorded and the records retained on site by the owner or operator and made available to the department for review upon request.

(4) If a scale cannot be used to weigh vehicles under subsection (2) while they are coupled, the vehicles shall be weighed individually and the weights totaled to obtain the gross weight of the vehicle combination.

(5) This section does not apply to the enforcement of vehicle weight under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: Add. 2008, Act 345, Imd. Eff. Dec. 23, 2008 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012

290.628e Sale of motor fuel at roadside retail location; advertising; use of proprietary fuel name.

Sec. 28e.

(1) Beginning July 2, 2013, if motor fuel is sold at a roadside retail location, the roadside advertising must comply with all of the following:

(a) The price advertised must be clearly and completely posted in full, including any fractional prices, to the tenth of a cent.

(b) The price advertised must include the grade of fuel being sold, with the following abbreviations allowed:

(i) Regular gasoline: "Regular", "Reg.", or "Reg,".

(ii) Midgrade gasoline: "Midgrade", "Mid.", or "Mid,".

(iii) Premium gasoline: "Premium", "Prem.", or "Prem,".

(iv) Diesel fuel: "Diesel", "Dsl.", or "Dsl,".

(v) Kerosene fuel: "Kerosene", "Ker.", or "Ker,".

(vi) E85 fuel ethanol: "E85".

(c) All prices must be capable of being displayed at the pump, but only the unit price of the selected product must be displayed during the transaction. All indications on the pump display must calculate the correct total price of the purchase.

(d) If the advertised price of the motor fuel is subject to 1 or more conditions for sale at that price, the retailer shall post the conditions immediately adjacent to the sales price with equal illumination in lettering of the same style and of at least 1/2 the size that is used to post the sale price.

(e) If the unit price for the same grade of motor fuel differs, and the sign will not accommodate displaying all prices in lettering of the same style and size, the highest price must be displayed in lettering using the largest size of the prices that are displayed.

(2) Subsection (1)(b) does not preclude the owner or operator of a business selling motor fuel at a roadside retail location from using a proprietary fuel name.

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History: Add. 2012, Act 254, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 469, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.628f Pump with scanning device for reading customer payment card; security measure required; notice of noncompliance; failure to make correction; prohibition; definitions.

Sec. 28f.

(1) If a pump for dispensing motor fuel for sale at a roadside retail location includes a scanning device for reading a customer payment card as an integral part of the pump, the pump must include a security measure to restrict the unauthorized access of customer payment card information. The security measure must include 1 or more of the following:

(a) Until December 31, 2022, a pressure-sensitive security tape that is imprinted with a customized graphic and placed over the panel opening leading to the scanning device so as to restrict unauthorized opening of the panel.

(b) A device or system to render the pump or the scanning device inoperable if the panel is opened without proper authorization.

(c) A means for encrypting the customer payment card information in the scanning device.

(d) A device to replace a manufacturer-supplied standard lock.

(e) Any other measure approved by the department.

(2) If the owner or agent of the owner of a pump required to have a security measure under subsection (1) receives a written notice of noncompliance, he or she shall bring the pump into compliance. If the violation is not corrected within 5 days after receipt of the notice of noncompliance, the department may prohibit the use of the pump until a properly functioning security measure is installed on the device.

(3) As used in this section:

(a) "Customer payment card" means a credit or debit card or other card encoded to provide an electronic means for initiating a fund transfer from the customer's deposit account or for initiating electronic billing.

(b) "Pump" means a device for measuring and dispensing motor fuel used to propel vehicles on the highways of this state.

(c) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a customer payment card.

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History: Add. 2017, Act 168, Eff. Feb. 19, 2018 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.629 Assaulting, inflicting bodily injury upon, hindering, or obstructing certain persons in performance of official duties as misdemeanor; penalties.

Sec. 29.

(1) Any person who assaults or inflicts a bodily injury upon, the director, an authorized representative of the director, the deputy director, any inspector, or a sealer or deputy sealer in the performance of his or her official duties under this act is guilty of a misdemeanor punishable by a fine of not more than $10,000.00 or imprisonment for not more than 2 years, or both.

(2) Any person who hinders or obstructs in any way the director, an authorized representative of the director, the deputy director, any inspector, or a sealer or deputy sealer in the performance of his or her official duties under this act is guilty of a misdemeanor punishable by a fine of not more than $5,000.00 or imprisonment for not more than 1 year, or both.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1986, Act 194, Eff. Sept. 15, 1986 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012

290.630 Impersonation of officers.

Sec. 30.

Any person who shall impersonate in any way the director, deputy director, any inspector or a sealer or deputy sealer, by the use of his seal or a counterfeit, or in any other manner, shall be guilty of a misdemeanor.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.631 Prohibited acts; penalties; fines; closure of facility; inspection; consent order; disposition of fines or recovered amounts.

Sec. 31.

(1) An individual who, by himself or herself or by the individual's servant or agent, or as the servant or agent of another person, engages in any of the following acts is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than $1,000.00 or more than $10,000.00, plus the amount of any economic benefit realized as a result of the violation, or both:

(a) Use or have in possession for the purpose of using for any commercial purpose specified in section 10, sell, offer, expose for sale or hire, or have in possession for the purpose of selling or hiring, incorrect weights and measures or any device or instrument used or calculated to falsify any weights and measures.

(b) Use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weights and measures or in the determination of weights and measures, when a charge is made for the determination, weights and measures that have not been tested and sealed by the appropriate authority, unless 1 or more of the following conditions are met:

(i) A properly executed and completed placed-in-service report has been delivered to the director as notification that the weights and measures have been placed in service by a registered serviceperson.

(ii) Permission to use the weights and measures has been received from the appropriate authority.

(iii) The weights and measures have been exempted from sealing or testing requirements by section 10 or by rule of the director promulgated under section 8.

(c) Dispose of rejected or condemned weights and measures in a manner contrary to law or rule.

(d) Remove from weights and measures, contrary to law or rule, a tag, seal, or mark placed on the weights and measures by the appropriate authority.

(e) Sell, offer, or expose for sale less than the quantity he or she represents of a commodity, thing, or service.

(f) Take more than the quantity he or she represents of a commodity, thing, or service when, as buyer, he or she furnishes the weight of the commodity, thing, or service or the measure of the commodity, thing, or service by means of which the amount of the commodity, thing, or service is determined.

(g) Advertise, offer, expose for sale, or sell a commodity, thing, or service in a condition or manner contrary to law.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, weights and measures that are not so positioned that their indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be occupied by a customer.

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(i) Violate a provision of this act or of a rule promulgated under this act for which a specific penalty has not been prescribed.

(j) Sell, offer, or expose for sale to licensed wholesale distributors and dealers gasoline or any middle distillate petroleum product on any basis other than a U.S. gallon of 231 cubic inches or metric equivalent unless freely requested to do so in writing by a licensed wholesale distributor, dealer, or end user for an annual period of time or for the length of the contract. This subdivision does not apply to the sale or offer for sale of number 4, 5, or 6 petroleum fuels as described as having American petroleum institute gravity at 60°F of 28 or less, a specific gravity greater than .8871 and does not apply to the sale or exchange of gasoline or any middle distillate petroleum product among petroleum refiners.

(k) Deliver or issue a weight quantity determination or a measure quantity determination upon which a commercial transaction is, or is intended to be, computed without the use of weights and measures.

(l) Fail to pay a fee or fine imposed under this act.

(2) An individual who, by himself or herself or by the individual's servant or agent, or as a servant or agent of another person, fails to disclose to the department any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weight or modifying any measure for the purpose of selling, offering, or exposing for sale less than the quantity represented of a commodity or calculated to falsify the weight or measure, if the individual is an owner or employee of an entity involved in the installation, repair, sale, or inspection of weights and measures, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both.

(3) An individual who, by himself or herself or by the individual's servant or agent, or as a servant or agent of another person, performs any of the following acts is guilty of a felony punishable by a fine of not less than $5,000.00 or more than $20,000.00, by a fine of not more than twice the amount of any money gained for each day on which a violation has been found, by imprisonment for not more than 5 years, or by any combination of these penalties:

(a) Is in possession of or adds to or modifies commercial weights and measures by the addition of a device or instrument that would allow the sale, or the offering or exposure for sale, of less than the quantity represented of a commodity or the falsification of the weights and measures.

(b) Intentionally commits any of the acts listed in subsection (1) or (2).

(c) Violates this section within 24 months after 2 previous violations of this section that resulted in convictions.

(4) When a violation results in a conviction under this act, the court may assess against the defendant or his or her agent the costs of investigation and the money must be paid to the agency that incurred the expense.

(5) In addition to any other applicable penalties prescribed in this act, the department may assess the owner of a motor fuel delivery facility that has intentionally delivered less fuel to a retail customer than indicated by the gas pump metering device the following civil fines:

(a) For a first violation, a civil fine of $5,000.00.

(b) For a second violation, a civil fine of $10,000.00.

(c) For a third or subsequent violation, a civil fine of $25,000.00.

(6) The department may close any facility that is responsible for a violation described in subsection (5) until the owner can demonstrate to the department that the problem is corrected.

(7) The department shall inspect motor fuel facilities with 3 or more violations under subsection (5) at least annually, and all inspection costs must be assessed to the owner of the weights and measures establishment for a period of not more than 2 years.

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(8) Any of the fines described in subsection (5) may be embodied in a consent order under section 31a.

(9) Any civil fines or recovery of any economic benefits associated with a violation of this act and collected under this section must be paid to the general fund and credited to the department for the enforcement of this act.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1975, Act 131, Eff. Mar. 31, 1976 ;-- Am. 1983, Act 248, Imd. Eff. Dec. 15, 1983 ;-- Am. 1986, Act 194, Eff. Sept. 15, 1986 ;-- Am. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2006, Act 125, Imd. Eff. May 2, 2006 ;-- Am. 2012, Act 254, Imd. Eff. July 2, 2012 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

Compiler's Notes: Enacting section 1 of Act 125 of 2006 provides:"Enacting section 1. It is the intention of the legislature that the department establish periodic inspection and testing of fuel delivery systems and that owners of fuel delivery systems calibrate these systems periodically."

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290.631a Consent agreement; proceeding; action by attorney general; civil fines.

Sec. 31a.

(1) The director, upon determination that an individual who, by himself or herself, his or her agent or employee, or as the agent or employee of another, has violated this act or rules promulgated under this act, may enter into a consent agreement for the assessment of a civil fine as follows:

(a) For a first violation, not less than $150.00 and not more than $2,500.00 for each violation plus the actual cost of the investigation and the amount of any economic benefit associated with the violation.

(b) For a second violation within 2 years of the first violation, not less than $500.00 or not more than $5,000.00 for each violation plus actual costs of the investigation and twice the amount of any economic benefit associated with the violation.

(c) For a third violation within 2 years from the date of the first violation, not less than $500.00 or not more than $10,000.00 for each violation plus actual costs of the investigation and 3 times the amount of any economic benefit associated with the violation.

(2) If a person alleged to have violated this act or rules promulgated under this act does not enter into a written consent agreement as described in subsection (1) within 15 days of the date of the consent agreement, the director may do either of the following:

(a) Initiate a criminal prosecution.

(b) Commence an administrative hearing conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the case of a person holding a registration under this act, or commence a civil violation proceeding in a court of competent jurisdiction regarding any other person.

(3) Upon finding a violation of any provision of this act or rules promulgated under this act as a result of the commencement of an action under subsection (2)(b), the court shall assess a civil fine of not more than $10,000.00 for each violation plus the actual costs of the investigation and the amount of any economic benefit associated with the violation as prescribed in subsection (1).

(4) The decision of the director pursuant to a proceeding under this section is subject to appropriate judicial review as provided by law.

(5) The director shall advise the attorney general of the failure of any person to pay a civil fine imposed under this section. The attorney general shall bring an action in court to recover the fine.

(6) Any civil fines or recovery of any economic benefits that are recovered for a violation of this act and collected under this section must be paid to the general fund and credited to the department for the enforcement of this act.

History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023

290.632 Temporary restraining order; preliminary or permanent injunction.

Sec. 32.

The director is authorized to apply to any court of competent jurisdiction for a temporary restraining order or a preliminary or permanent injunction restraining any person from violating any provisions of this act or from conducting any commercial transaction that requires the use of a commercial weight or measure.

History: 1964, Act 283, Eff. Aug. 28, 1964 ;-- Am. 1986, Act 194, Eff. Sept. 15, 1986

290.633 Proof of existence of weight, measure or device; presumption.

Sec. 33.

Proof of the existence of a weight, measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on, in the absence of conclusive evidence to the contrary, shall be presumptive proof of the regular use of such weight, measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.634 Repeal.

Sec. 34.

Act No. 168 of the Public Acts of 1913, as amended, being sections 290.1 to 290.10 of the Compiled Laws of 1948, is repealed.

History: 1964, Act 283, Eff. Aug. 28, 1964

290.635 Rescission of R 285.559.

Sec. 35.

R 285.559 of the Michigan administrative code is rescinded.

History: Add. 2012, Act 93, Imd. Eff. Apr. 12, 2012

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