

WEIGHTS AND MEASURES ACT (EXCERPT)
Act 283 of 1964

***** 290.602.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2023 *****

290.602.amended 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 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.