

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 255

An Act to amend and reenact § 3.1-965 of the Code of Virginia, relating to weights and measures.

[H 1121]

Approved March 4, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-965 of the Code of Virginia is amended and reenacted as follows:

§ 3.1-965. Certain acts declared misdemeanors.

Any person who, by himself or by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subdivisions 1 through 9 of this section shall be guilty of a Class 1 misdemeanor:

1. Use or have in possession for the purpose of using for any commercial purpose, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure of any device or instrument used to or calculated to falsify any weight or measure.

2. Use or have in possession for the purpose of current use for any commercial purpose specified in § 3.1-928 a weight or measure that does not bear a seal or mark such as is specified in § 3.1-934, unless such weight or measure has been: (i) *placed into service by a certified service technician pursuant to § 3.1-969.12*; (ii) exempted from testing by the provisions of § 3.1-928; or (iii) *exempted* by a regulation of the Board issued under the authority of § 3.1-926 or § 3.1-941.1.

3. Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

4. Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

5. Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

6. Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

7. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law or regulation.

8. Use in retail trade a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer, except in the preparation of packages put up in advance of sale and of medical prescriptions.

9. Violate any provisions of this chapter or of the regulations promulgated under the provisions of this chapter for which a specific penalty has not been prescribed.