

Chapter 618

Weights and Measures

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DEFINITIONS

618.010 Definitions. (1) As used in this chapter, unless the context requires otherwise:

(a) "Department" means the State Department of Agriculture.

(b) "Director" means the Director of Agriculture.

(c) "National Bureau of Standards" means the National Bureau of Standards of the Department of Commerce of the United States.

(d) "Sealer of weights and measures" means the Director of Agriculture.

(e) "State sealer" means the Director of Agriculture.

(f) "Weight or measure" and "weights or measures" includes weights, scales, beams, measures of any kind, instruments and mechanical devices for weighing or measuring, and any appliances or accessories connected with any and all such instruments.

(2) As used in subsection (1) of ORS 618.070 and in ORS 618.100, 618.110 and 618.200, "weights," "measures" or "weighing or measuring devices" include all weights, scales, beams and measures of every kind, instruments and mechanical devices for weighing or measuring and any appliances or accessories connected with any or all such instruments when used in trade, held in stock as merchandise, offered for sale or sold.

(3) As used in this section, "sale" includes barter and exchange.

618.020 to 618.040 [Reserved for expansion]

**ADMINISTRATION; REGULATION;
ENFORCEMENT**

618.050 Director is sealer of weights and measures. The director is the sealer of weights and measures.

618.060 Enforcement of chapter. The department and its officers and employes, acting under the direction of the director, as the state sealer, shall enforce the provisions of this chapter.

618.070 Deputy state sealer; appointment, powers and duties. (1) The director, as state sealer, shall appoint a qualified person from the department as deputy state sealer of weights and measures who shall have general supervision throughout the state and the right to test scales, weights, measures or any

device used to ascertain the quantity of any commodity or the giving of full weight or measure in trade. The deputy state sealer shall be under the division chief designated by the director. As used in this subsection, "commodity" includes any article in trade or commerce as a parcel or quantity of goods.

(2) The deputy state sealer of weights and measures shall exercise general supervisory control over the inspection of weights and measures in use throughout the state, and shall investigate all trades and trade customs or practices of every description which have a tendency in his judgment towards dishonesty in the use of weights and measures or in the buying or selling of any commodity by weight or measure.

618.080 Authority of state sealer and deputy state sealer within cities; appointment of special sealers. (1) The state sealer and the deputy state sealer of weights and measures shall have such authority as is authorized and conferred upon them within the limits of a city enacting ordinances relating to weights and measures under ORS 618.090.

(2) The state sealer may appoint as special sealers, the persons who may, for the time being, hold the position of city sealer or deputy city sealer, within such city, to enforce the provisions of this chapter within the limits of such city. The persons so appointed shall receive no additional compensation therefor.

618.090 Cities enacting ordinances relating to weights and measures. None of the provisions of this chapter shall be construed as in any way limiting the right of any city regularly incorporated within the state from enforcing any ordinance which it may enact relating to weights and measures. However, the ordinance shall not establish standards of weight or measure in relation to the sale of commodities other than such as will conform to those adopted by the state and the specifications, tolerances and regulations appertaining to the testing, sealing, condemning or confiscation of weights, measures or weighing or measuring devices established or adopted by the state shall be followed by the city in making inspections and tests.

618.100 State standards. (1) The weights and measures, together with scales and beams, now on deposit with the department and those made in conformity therewith and deposited with the department for

that purpose shall be preserved by the state sealer as the state standards of weights and measures.

(2) All state standards shall conform to those received from the United States under Joint Resolution of Congress, approved June 14, 1836, and July 17, 1866, or such as are certified to be correct by the National Bureau of Standards.

(3) The state sealer, when funds are available for that purpose, shall procure from time to time such standards and other equipment as may be necessary for the proper administration of the weights and measures laws of this state and shall have such state standards as he deems necessary certified as correct once in 10 years by the National Bureau of Standards.

(4) The state sealer shall keep a complete record of state standards and other weights and measures apparatus owned by the state and deliver the same over to his successor in office and take a receipt therefor.

618.110 Office standards; working standards. In addition to the state standards of weights and measures, there shall be at least one complete set of copies to be kept at all times in the office of the state sealer of weights and measures to be known as office standards, and he shall procure such other copies of weights, measures and apparatus as may be found necessary to carry out the provisions of this chapter to be known as working standards. Such weights, measures and apparatus shall be verified by the state sealer or his deputy at his direction upon their initial receipt and at least once during each year thereafter the office standards by direct comparison with the state standards, the working standards by comparison with the office standards. When found to be accurate upon these tests, the office and working standards shall be sealed by stamping on them the letter "O," and in the case of the working standards, the last two figures of the year with seals which the state sealer shall have and keep for that purpose. The office or working standards shall be used in making all comparisons of weights and measures, weighing or measuring devices submitted for tests and the state standards shall be used only in verifying the office standards and for scientific purposes. This section, in so far as duplicate equipment is concerned, shall not apply to heavy duty equipment such as that used in testing truck

scales, calibrating large tanks and other equipment which cannot be economically or conveniently purchased and kept in duplicate.

618.120 Sealing of public standards and of weights and measures used for testing purposes. The sealer of weights and measures shall have and keep a seal, which shall be so formed as to impress the word "Oregon" upon the weights and measures, scales and beams, to be sealed by him. With this seal he shall seal all such authorized public standards of weights and measures, and all the weights and measures, scales and beams, used by him or his deputies, for testing the accuracy of weights and measures, and measuring devices, used in trade, when examined by the director and found to be in conformity with the standard weights and measures, scales and beams.

618.130 Testing and sealing standards sent by municipal sealer. The deputy state sealer of weights and measures shall try, prove and seal with an appropriate seal designated by him all proper standards sent to him by the properly authorized sealer of any municipality within the state.

618.140 [Reserved for expansion]

618.150 Prescribing tolerances and specifications. The deputy state sealer shall prescribe such tolerances and specifications for weights or measures as he, in his judgment, deems necessary for the proper protection of the public. No person shall offer or expose for sale, sell or use weights or measures for commercial purposes, that are made contrary to such specifications or that do not come within the prescribed tolerance. The tolerances and specifications prescribed by the deputy state sealer shall conform to any statute of the state relating to them, or to such as have been recommended by the National Bureau of Standards. Such tolerances and specifications, when prescribed, shall be followed in making all inspections and tests throughout the state.

618.160 Marking net quantity on packaged goods. (1) No person shall keep, for the purpose of sale, offer or expose for sale, or sell any commodity in package form, unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package, in terms of weight, measure or numerical count; except that

reasonable variation or tolerance shall be permitted.

(2) This section does not apply to those commodities in package form, the manner of sale of which is specifically regulated by the provisions of other sections of this chapter; nor to those commodities kept, for the purpose of sale, offered or exposed for sale, in standard containers as established by the laws of this state or by rules and regulations promulgated by the department.

618.170 Testing devices in places of business; seizure for use as evidence. The sealer of weights and measures, or one of his deputies, shall visit at least once in each year every place of business where any scale, weight or measure, or any device for ascertaining the quantity of any commodity, is kept for the purpose of trade, and try, test and prove such scale, weight or measure, or such device for ascertaining the quantity of any commodity, and where they are found to be accurate he shall seal the same with the seal to be kept by him for that purpose, and when found to be inaccurate he shall condemn the same and mark with a tag forbidding the further use thereof until made to comply with the state standards. Where, in the judgment of the sealer of weights and measures, or of his deputies, such scale, weight or measure, or device for ascertaining the quantity of any commodity, is needed for use as evidence in the trial of any case, he, or his deputies, shall take the same into his possession there to await a decision of a competent court of justice, who shall, in addition to any other penalty provided by law, order the destruction thereof where it appears that the same was used with intent to defraud or is incapable of repair or correct adjustment.

618.180 Sealing weights, measures and devices found correct; when weight or measure "correct." (1) The sealer or his deputies shall seal all weights and measures and weighing and measuring devices found correct, after test, with an appropriate seal, the design for which shall be furnished by the deputy state sealer. However, weights used in connection with scales, graduates, milk bottles and similar glass measures need not be sealed.

(2) A weight or measure defined as correct means only one that conforms to the "standard" within the tolerance prescribed and which complies with the specifications

applicable to it. All other weights or measures are incorrect and in violation of law.

618.190 Incorrect weights or measures; repair or confiscation. Weights or measures that are incorrect but which can be repaired shall be marked or tagged as "condemned for repairs," and the owners or users shall have them repaired within the time the deputy state sealer or his deputies require. Any weight or measure or weighing or measuring device that has not been repaired within the required time may be confiscated. Incorrect weights or measures that are, in the best judgment of the deputy state sealer, not susceptible to satisfactory adjustment or repair may be taken into his possession, and shall be held for a period of 30 days next ensuing, at the expiration of which time, if no action at law or suit in equity has been brought for their recovery, they may be destroyed.

618.200 Condemnation for repair of scales and measuring devices used contrary to law or regulations. Scales, weighing or measuring devices may be condemned for repairs when used in trade or commerce if installed or operated contrary to law or the rules and regulations of the department.

618.210 Supervision over inspection of weighing and measuring devices. Under the direction of the state sealer, the deputy state sealer shall have and keep general supervisory control over inspection of weights and measures, and weighing and measuring devices, offered for sale, sold, or in use in the state.

618.220 Testing of weighing and measuring devices used for state institutions. The deputy state sealer, or his deputies at his direction, shall, at least once annually, test the scales, weights and measures used in checking the receipts or disbursements of supplies in every state institution for the maintenance of which moneys are appropriated by the legislature. He shall report in writing his findings to the State Board of Control and to the executive officer of the institution concerned. He shall, at the request of the State Board of Control or the executive officer of any state institution, appoint, in writing, an employe then in the actual service of the institution, who shall, without receiving additional compensation, act as special deputy for the purpose of checking the receipts and disbursements of supplies.

618.230 Weight, measure or count of agriculture product or commodity; certificate.

(1) The state sealer or his deputies may, upon their own initiative or upon the request of any person, weigh, count or measure any agricultural product or commodity for the purpose of certifying as to the correct weights, measures or count of the product or commodity for storage or transportation or for record in case of loss or litigation, and issue a certificate of weight, measure or count. The certificate, when issued, shall be in triplicate. The original copy of the certificate shall be delivered or mailed to the interested person making the request for such service, one copy shall be filed in the department with the state sealer and one copy retained by the sealer issuing it for a period of one year. In all such certificates sufficient identification shall be recorded of any commodity upon which a certificate of weight or measure or count is issued. Fees for such service sufficient to cover the cost thereof shall be fixed by the state sealer and shall be paid to the department by the person requesting such service.

(2) As used in this section, "commodity" includes any article in trade or commerce as a parcel or quantity of goods.

618.240 Giving false certificate or making false statement as to weight or measure.

No person using any scale, weight or measure, or any device for ascertaining the quantity of any commodity, shall give any false certificate, or make any false statement as to the weight or measure of the commodity, to any person whereby that person or another person suffers loss or injury.

618.250 Use of false weight or measure.

No person shall use any false weight or measure.

618.260 Inclusion of weight or measure of commodities other than those sold. No person, in selling any commodity by weight or measure, shall include the weight or measure of anything other than the weight or measure of such commodity so sold. This section shall not be construed to interfere with the right of contract between parties.

618.270 Sale or purchase by greater than true weight or measure. No person shall sell any commodity at a greater weight or measure than its true weight or measure. No person, where the buyer is the weigher or measurer, shall take any greater weight or measure than the true weight or measure.

618.280 False representations as to weight or quantity. No person shall offer or expose for sale or sell less than the quantity represented. No person who, as the buyer, furnished the weight or measure by means of which the amount of the commodity is determined, shall take more than the quantity represented or shall sell any commodity in a manner contrary to law.

618.290 Impersonation of state sealer or his deputies. No person shall impersonate the state sealer or his deputies.

618.300 Interference with officers; removing tag or seal. No person shall interfere in any way with any officer charged with the enforcement of the provisions of this chapter, while the officer is engaged in the performance of his duty. No person shall alter, erase, change or remove any tag or seal placed by such officer in the performance of his duty upon any scale, weight or measure or weighing or measuring devices.

618.310 Possession of altered weight or measure as prima facie evidence. In all prosecutions for the violation of any laws relating to weights and measures, the possession of a weight or measure which has been altered, changed or in any manner tampered with so that it gives a false or wrong weight or measure in either buying or selling any commodity, is prima facie evidence of the guilt of the person having it in possession.

618.320 District attorney to represent state in proceedings. The district attorney in each district shall represent the state in any procedure for the violation of the state laws relating to weights and measures.

618.330 Jurisdiction. Justice courts and district courts have concurrent jurisdiction with the circuit courts for the enforcement of this chapter.

618.340 Payment of moneys to State Treasurer; appropriation and use by department. (1) The department shall pay any fees, charges, fines, costs or other moneys resulting from the operation and enforcement of ORS 618.710 to 618.750 to the State Treasurer. The State Treasurer shall place the sums so received in the General Fund to the credit of the Department of Agriculture Account. All such fees, charges, fines, costs or other moneys hereby are appropriated to the department for use in the administration and enforcement of any law relating to the testing of weights and measures, the

administration of which is vested in the department.

(2) All fees and other money received by the department under ORS 618.230, 618.760 and 618.770 shall be paid over to the State Treasurer and by him deposited in the Department of Agriculture Account to be used for the enforcement of those sections. [Amended by 1953 c.373 §8]

618.350 to 618.400 [Reserved for expansion]

MANNER OF DETERMINING WEIGHT OR MEASURE; STANDARD WEIGHTS AND MEASURES

618.410 Requirements of weights and measures for sale of liquid or nonliquid commodities. (1) No person shall sell, except for immediate consumption on the premises, liquid commodities in any other manner than by weight or liquid measure, or commodities not liquid in any other manner than by measure of length, by weight or by numerical count. Nothing in this section shall be construed to prevent the sale of fruits, vegetables and other products in standard containers, the dimensions of which are established by any law of this state, or rules and regulations of the department, or to apply to foodstuffs put up in original packages or package form and handled, offered for sale or sold in interstate commerce.

(2) As used in this section:

(a) "Commodities not liquid" includes goods, wares and merchandise which are nonliquid in form and which are susceptible of being sold by measure of length, by weight, by measure of capacity or numerical count.

(b) "Commodity" includes any article in trade or commerce as a parcel or quantity of goods.

(c) In "package form" includes a commodity in a package, carton, case, can, box, barrel, bottle, phial or other receptacle or in coverings or wrappings of any kind put up by a manufacturer or when put up prior to the sale by the vendor, branded or stenciled or otherwise marked, or which may be suitable for labeling, branding or stenciling or otherwise marking, making one complete package of the commodity, and includes both the wholesale and retail package.

(d) "Original package" includes any article in package form put up by the manufacturer or vendor in advance of actual sale.

(e) "Sell" or "sale" includes barter and exchange.

618.420 Use of dry capacity measures prohibited. No person shall use or employ a dry capacity measure as a means to determine the amounts or quantities of commodities offered or exposed for sale or sold. Dry capacity measure, as used in this section, means the bushel, half-bushel, peck, half-peck, quarter-peck, quart, pint, half-pint and similar measures but boxes, baskets and similar containers, the capacities of which have been established by law, are not dry capacity measures.

618.430 Sale of dry commodity by liquid measure prohibited. No person shall offer or expose for sale or sell any dry commodity by liquid measure.

618.440 to 618.450 [Reserved for expansion]

618.460 Cranberries. (1) The standard barrel for cranberries shall be of the following dimensions, when measured without distension of its parts: **Length of staves**, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of the staves not greater than four-tenths of an inch.

(2) All cranberries offered for sale shall be packed in a standard cranberry barrel, or a legal subdivision thereof, such as half-barrel, a third-barrel, or box which has the cubical contents of a half-barrel or a third-barrel. Cranberries, when offered for sale in quantities less than a third-barrel, may be sold by dry measure; that is, by quart, pint and similar measures. Cranberries may be sold in containers or cartons, holding four quarts, two quarts, one quart, or one pint, and upon the containers or cartons shall be printed the cubical contents of such containers and cartons.

618.470 Farm or range produce. If wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, alfalfa seed, timothy seed, field peas seed, dried apples, dried peaches, dried prunes, potatoes, pears, wool, mohair or any other farm or range product is sold by the bushel or pound or in sacks, and no special agreement is made by the parties to the sale as to what tare or deduction shall be made for the weight of the sacks con-

taining the product, no deduction shall be made for the weight of the sacks.

618.480 Firewood, coal and ice. Firewood shall be sold by the cord or fraction of a cord. Coal shall be sold by the ton or fraction of a ton. Ice shall be sold by weight. In all sales of firewood, coal or ice a definite statement shall be made to the purchaser as to the amounts or quantities thereof.

618.490 Wood; standard cord. The standard of a cord of wood within the state is 128 cubic feet of wood well piled.

618.500 Coal; standard ton; long ton. The standard for a ton of coal within this state is 2,000 pounds, avoirdupois weight, unless the so-called long ton, 2,240 pounds is expressly contracted for.

618.510 Net weight of coal shipments at destination governs. In all shipments of coal received within this state in carload lots containing 25 tons or more, the net weight of the coal at the destination point shall govern, unless expressly contracted for otherwise.

618.520 Fuel tanks, range boilers and similar receptacles; marking capacity. If the capacity of fuel tanks, range boilers or similar receptacles is marked thereon, the marks shall indicate the true capacity.

618.530 Hops. (1) The owner, lessee, manager or person in charge of any hop yard where hops are being picked by measure, shall cause the hops to be measured by standard measures, and for picking purposes the standard hop measure within this state, shall contain 19,440 cubic inches. No owner, lessee, manager or person in charge of any hop yard where hops are being picked by measure shall use or employ any other than a standard measure in ascertaining the quantity picked. Nothing in this subsection prevents the owner, lessee, manager or person in charge of any hop yard from ascertaining, by weight, the quantity of hops picked.

(2) In all sales and transfers of hops there shall be allowed and deducted as tare five pounds per bale and no more. Five yards of baling cloth is the maximum quantity to be used making the bale, and the standard weight of each yard of baling cloth is hereby fixed at 24 ounces. Any vendor of hops using heavier sacking than that specified in this subsection or using any

extraneous matter in the baling thereof, shall have it deducted as additional tare.

618.540 Oysters. No person shall offer or expose for sale or sell any shelled oysters, uncooked, in any other manner than by numerical count, weight, or standard liquid measure. No person shall include, as a part of the weight or the measure, any water or liquid in any greater amount than 16 percent of the weight or measure of the oysters offered or exposed for sale or sold. To determine the amount of water or liquid included, within the meaning of this section, the oysters shall be well drained.

618.550 Sawdust; standard unit. The standard of a unit of sawdust within the state is 200 cubic feet.

618.560 to 618.600 [Reserved for expansion]

STANDARDS FOR FLOUR

618.610 Definitions. As used in ORS 618.610 to 618.640, unless the context requires otherwise:

(1) "Wheat flour" consists essentially of finely ground endosperm of wheat.

(2) "Self-rising flour" means flour to which has been added a leavening agent.

(3) "Phosphated wheat flour" means flour to which has been added monocalcium phosphate.

(4) "Bromated flour" means flour to which has been added potassium bromate.

(5) "Enriched flour" means flour to which has been added vitamins or minerals, or both, for the purpose of increasing its nutritional value as human food.

(6) "Enriched self-rising flour" means flour to which has been added vitamins or minerals, or both, for the purpose of increasing its nutritional value as human food, and a leavening agent.

(7) "Enriched bromated flour" means flour to which has been added vitamins or minerals, or both, and potassium bromate, for the purpose of increasing its nutritional value as human food, and a leavening agent.

618.620 Standard weights required. There shall be a standard weight for a barrel, sack or other container of wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, or subdivisions thereof.

618.630 Standard weights prescribed. The standard weight of a barrel, sack or other container of wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour and enriched bromated flour is 200 pounds, net weight, avoirdupois. The standard weight of one-half barrel, sack or other container of any of such products is 100 pounds, net weight, avoirdupois. The standard weight of one-quarter barrel, sack or other container of any of such products is 50 pounds, net weight, avoirdupois. The standard weight of one-eighth barrel, sack or other container of any of such products is 25 pounds, net weight, avoirdupois. Standard weights for lesser quantities of any of such products are one, two, five and 10 pounds, net weight, avoirdupois.

618.640 Use of other than standard sack or container prohibited. No person shall expose for sale or sell in the sack, or other container, wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, or enriched bromated flour by the sack or other container in other than the standard sack or other container, except that this prohibition does not apply to the retailing of flours direct to the consumer from bulk stock, or the sale of flours to commercial bakers or blenders in containers of more than 100 pounds, or for export, or the exchange of wheat for flour by mills grinding for toll.

618.650 to 618.700 [Reserved for expansion]

WEIGHING AND LIQUID MEASURING DEVICES

618.710 Definitions. As used in ORS 618.710 to 618.760, unless the context requires otherwise:

(1) "Liquid measuring device" includes any mechanically operated pump, meter or instrument used for ascertaining measure by volume of any commodity used as fuel for internal combustion engines or as a heating fuel, when such commodity is sold at retail or wholesale.

(2) "Weighing device" includes any scale, balance or instrument used in ascertaining the weight of any commodity sold or weighed for commercial purposes except devices the accuracy of which cannot be determined by a reliable method approved

by the National Bureau of Standards of the U. S. Department of Commerce or the department. [Amended by 1953 c.373 §8]

618.720 Licenses for weighing devices and liquid measuring devices; sealing and testing of devices by cities. (1) Each weighing device or liquid measuring device shall be licensed by the department as provided in ORS 618.730.

(2) No person shall knowingly operate or use any device in trade or commerce for ascertaining the weight of any commodity which is not licensed pursuant to ORS 618.710 to 618.750.

(3) No license is required pursuant to this section for scales which are subject to inspection under ORS 761.330.

(4) This section does not prohibit cities of this state from making and enforcing ordinances, not inconsistent with state laws relating to weights and measures, relating to the sealing and testing of weighing devices or liquid measuring devices used or operated within the corporate limits of the city. Any weighing device or liquid measuring device which has been tested and sealed either by the department or by a city as required pursuant to this subsection, may be operated and used any place in this state without further restriction as to sealing or testing prior to the expiration of the city inspection certificate or license thereon. The department shall investigate not less than once each year the enforcement of such ordinances to determine whether state standards and specifications are being maintained. Whenever the department finds that such ordinances are not being enforced properly, it shall give written notice of such finding to the chief administrative officer of the city. If the department thereafter finds not less than 30 days nor more than 90 days after the date of such notice, that the city's standards of enforcement are not being maintained and enforced, the provisions of ORS 618.710 to 618.750 shall thereupon become applicable to all persons using or operating weighing devices or liquid measuring devices within the corporate limits of such city. [Amended by 1953 c.373 §8]

618.730 Application for license; fee; display of license; expiration. (1) Any person desiring to obtain a license for a weighing device or liquid measuring device shall make application to the department for such license upon a form furnished by the de-

partment which shall contain such information as the department may by rule or regulation require. Every application shall be accompanied by the proper fee as established by this section. License fees established by this section shall be as follows:

Weighing Devices

Capacity	Fees
399 pounds or less	\$ 1.00
400 pounds to 1160 pounds	\$ 2.50
1160 to 4999 pounds	\$ 5.00
5000 to 60,000 pounds, inclusive	\$10.00
60,001 pounds or more	\$20.00

Liquid Measuring Devices

Class	Fees
Retail fuel pump	\$ 2.00
Wholesale, bulk or vehicle tank fuel meters size 2" or under	\$ 5.00
Wholesale, bulk or vehicle tank fuel meters sizes over 2"	\$10.00

(2) The capacity of a weighing device shall be determined by the manufacturer's rated capacity.

(3) The owner of the device shall attach a license tag to each weighing device or liquid measuring device for which a license is issued.

(4) All licenses issued pursuant to ORS 618.710 to 618.750 shall expire on June 30, next succeeding the date of their issuance. [Amended by 1953 c.373 §8]

618.740 Identification tag or sticker; certificate. The department shall issue for each scale or measuring device licensed under ORS 618.710 to 618.750 a tag or sticker for identification and, in addition, a certificate, to the owner or operator holding the license. Any license issued under ORS 618.710 to 618.750 shall apply only to the device specified in the license.

618.750 Administration and enforcement; rules and regulations. The department shall administer and enforce ORS 618.710 to 618.750 and may make and enforce all rules and regulations it considers necessary to carry out the purposes of ORS 618.710 to 618.750. The rules and regulations shall be published in pamphlet form as provided by ORS 561.190.

618.760 Contracts with governmental subdivisions to test devices; requests for additional testing and sealing. (1) The department, acting by and through the State Sealer, may contract in writing with governmental subdivisions or agencies of the Federal Government or the State of Oregon to

test weighing devices or liquid measuring devices. Any such contract shall include an agreement by the other party to reimburse the department for the necessary expenses incurred by the department in performing such testing.

(2) At the request of any person the department may test and seal any weighing device or liquid measuring device in addition to the testing required by any law relating to the testing of weights and measures. Any person making such special request shall pay to the department the necessary expenses incurred by it in making such test. [1953 c.373 §6]

618.770 Scales for weighing livestock; state weighers. (1) All scales for weighing livestock shall be maintained in first-class condition. All scales for weighing livestock used at a public terminal or freight-loading station or a livestock salesyard, except railroad track scales, shall be operated by a state weigher or his deputy, who shall be appointed and licensed by the state sealer, but who shall be employed by the owner or operator of any such scales.

(2) At the discretion of the state sealer, one or more deputy state weighers may be appointed, licensed and qualified for any such scale. Application for appointment and license as a state weigher or deputy shall be made to the department on form provided by the department. If the state sealer is satisfied that the person applying for the position of state weigher or deputy is qualified and competent to act in that capacity, he shall appoint and license such person as a state weigher or deputy upon the payment of a fee of \$2. The person so appointed and licensed shall hold office at the pleasure of the state sealer.

(3) At all stockyards except those operated under the Packers and Stockyards Act of 1921 (7 U.S.C. chapter 9), a state weigher or his deputy shall make a record of all weights taken by him over any such scales on such forms and in the manner as required by the state sealer. A state weigher or his deputy is authorized to issue certificates of weights for livestock, and one copy of such record shall be furnished upon request to each seller and buyer in any such transaction, one copy shall be sent forthwith to the state sealer at the department in Salem and one copy shall be retained by the state weigher for one year. All fees for the operation of the scales shall be fixed by the owner

or operator and may be retained by him as compensation for the services performed. Forms for weight certificates shall be furnished through the department at a minimum price.

(4) As used in this section, "state weigher" means a person appointed and qualified for that position as provided in this section.

618.780 Approaches and overhead clearance of scales; stock cage on livestock scale. Scales installed for the purpose of weighing drafts of 3,000 or more pounds, except railroad track scales, shall be located so that an approach can be made to one end of the weighbridge and platform by truck on a plane even with the surface of the road or street a distance of 40 feet and shall have an overhead clearance of not less than 10 feet. For self-contained scales of 600 to 3,000 pounds capacity located in warehouses or similar locations, the approaches to the platform shall be level to the floor or a ramp approach shall be provided at least equal to the width of the platform and which shall not exceed 10 percent of its length in elevation. Scales for the purpose of weighing livestock on the hoof shall be located so that an approach can be made by truck to at least one end of the weighbridge and platform on a plane even with the surface of the road or street of at least a distance of 40 feet and that the overhead clearance is not less than 10 feet. The stock cage shall be built on the platform or live part of the scale. Livestock scales located at slaughterhouses, loading or salesyards shall be provided with approaches from the main road or street by a width of not less than 10 feet, as set forth in this section, and with gate clearance overhead of not less than 10 feet. Bridges and culverts, where necessary, within such approaches shall be built and maintained to permit a 12-ton load to pass safely over them. As used in this section, "livestock scales" is a scales of not less than 6,000 pounds capacity.

618.790 Record and report of weighings. Every person owning or operating a

scale for hire or award shall keep a record of all weighings made and shall, on demand of the party interested, report the correct weight in writing of any article to the owner or purchaser thereof.

618.800 False certificate of weights by person operating scale for hire. No person owning or operating any scale for hire or award shall give a false certificate of weights to any person.

618.810 Possessing or using scales out of balance prohibited. No person shall have in his possession, maintain for use or use any scale for commercial purposes which is out of balance.

618.820 to 618.980 [Reserved for expansion]

PENALTIES

618.990 Penalties. (1) Violation of ORS 618.080, 618.090, 618.150, 618.160, 618.180, 618.190, 618.240 to 618.300, 618.420 to 618.540 or 618.790 to 618.810, is punishable, upon conviction, by a fine of not less than \$5 nor more than \$500, or by imprisonment in the county jail for not less than five nor more than 90 days, or both.

(2) Violation of subsection (1) of ORS 618.070, subsection (2) of ORS 618.340, or ORS 618.100, 618.110, 618.200, 618.230, 618.410, 618.760, 618.770 or 618.780, is punishable, upon conviction, by a fine not exceeding \$250, or by imprisonment in the county jail not exceeding six months, or both.

(3) Violation of subsection (1) of ORS 618.340, or ORS 618.710 to 618.750, or of any of the rules and regulations of the department made under those sections, is punishable, upon conviction, by a fine of not less than \$10 nor more than \$250.

(4) Violation of any of the provisions of ORS 618.610 to 618.640 is punishable, upon conviction, by a fine not exceeding \$100, or by imprisonment in the county jail not exceeding 30 days, or both.

