

LCB File No. R146-98

PROPOSED REGULATION OF THE DIVISION OF AGRICULTURE

NOTICE OF WORKSHOP

A workshop will be held on amendments to the following Nevada Administrative Codes:

1. NAC 581 FINES FOR VIOLATIONS OF WEIGHT AND MEASURES LAWS AND REGULATIONS.
2. NAC 555.020 REPEAL OF THE DESIGNATION OF INJURIOUS WEEDS.
3. NAC 590 PETROLEUM PRODUCTS AND ANTIFREEZE
4. NAC 569 BOUNDARIES OF THE VIRGINIA RANGE IN NORTHERN NEVADA

DATE: July 27, 1998

TIME: 9:30 a.m.

PLACE: Reno Office
Nevada Division of Agriculture
350 Capitol Hill Avenue
Reno, Nevada

For clarification on the proposed amendments, or to obtain a copy of the proposed amendments, contact Robert Gronowski at (702) 688-1182 ext. 239

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada County libraries. The Division of Agriculture offices in Reno, Sparks, Elko, Las Vegas, or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

NOTICE AND INTENT TO ADOPT REGULATIONS

THE NEVADA DIVISION OF AGRICULTURE PROPOSED AMENDMENTS TO NAC 581 PERTAINING TO FINES FOR WEIGHTS AND MEASURES VIOLATIONS

Need and purpose of the proposed amendments:

NRS 581.055(1) states that the state sealer of weights and measures shall adopt regulations specifying a schedule of fines that may be imposed, upon notice and hearing, for each violation of this chapter and regulations adopted pursuant thereto.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects:
Violators of the laws and regulations will be subject to the fines after notice and hearing.
2. Beneficial effects:
Provides for fair competition between businesses. Ensures that weighing and measuring devices are repaired by competent and honest repair agencies and repairmen.
3. Immediate and long term economic effects:
The adverse and beneficial effects are the same for immediate and long term economic effects.

Economic effect of the proposed amendments on the public:

1. Adverse effects:
None
2. Beneficial effects:
The public will benefit by ensuring that they receive fair value for the items purchased on the basis of weight, length, or volume.
3. Immediate and long term effects:
The adverse and beneficial effects are the same for the immediate and long term economic effects.

Economic cost to the agency for the enforcement of the proposed amendments:

There will be no additional costs to the agency for the enforcement.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local, or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: August 12, 1998

TIME: 9:30 a.m.

PLACE: Nevada Division of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any verbal testimony presented in the record of the hearing.

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**Nevada Division of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502**

**Nevada Division of Agriculture
2150 Frazer Street
Sparks, NV 89431**

**Nevada Division of Agriculture
1550 S. Wells Ave.
Reno, NV 89502**

**Nevada Division of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445**

**Nevada Division of Agriculture
Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801**

**Nevada Division of Agriculture
2300 McLeod
Las Vegas, NV 89104**

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Robert Gronowski at the Nevada Division of Agriculture, 688-1182 ext. 239 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted until text approved or revised by the Legislative Counsel; agency's reasons for adoption.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Paul Iverson, Administrator

Date

LCB File No. R146-98

**NEVADA DIVISION OF AGRICULTURE
WEIGHTS AND MEASURES SECTION
2150 FRZER AVENUE
SPARKS, NEVADA 89431**

**PROPOSED AMENDMENT TO NAC 581
(ENFORCEMENT OF NRS CHAPTER 581, FIENS FOR VIOLATIONS
OF WEIGHTS AND MEASURES REGULATINS)**

AUTHORITY: NRS 581.055, (AB 52)

NAC Chapter 581 is hereby amended by adding thereto the provisions set forth as Section 1 through Section 3.

SECTION 1. “Notice of Warning” means, a written statement issued by the Nevada Division of Agriculture stating the statute or rule violated and directing any corrective action that must be completed by the violator.

SECTION 2. A notice of warning may be issued to the violator for the first violation that was unintentional. No fine will be assessed in addition to the notice of warning.

SECTION 3. Except as otherwise provided in section 2 and in addition to any other penalty, the administrator may assess a fine against any person according to the following schedule:

1. NRS 581.090 (2&4) on repair of device, violation of tag or seal
 - a. 1st. Violation \$50
 - b. 2nd Violation \$100
 - c. 3rd and subsequent violations \$500

2. NRS 581.103 Registration of repairmen, notice of installation repair or adjustment of devices:
 - a. 1st. Violation \$50
 - b. 2nd Violation \$100
 - c. 3rd and subsequent violations \$500

3. NRS 581.104 Compliance of regulations by LPG Registered Service Agencies.
 - a. 1st. Violation \$50
 - b. 2nd Violation \$100

- c. 3rd and subsequent violations \$500
- 4. NRS 581.105 Notice of purchase, installation or use of a device, for commercial purposes
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 5. NRS 581.190 Sale of commodity
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 6. NRS 581.280 Standard cord of firewood
 - a. 1st. Violation \$50
 - b. 2nd Violation \$100
 - c. 3rd and subsequent violations \$500
- 7. NRS 581.300 Packaging of commodities
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 8. NRS 581.303 Declaration of price
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 9. NRS 581.307 Declaration of quantity
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 10. NRS 581.320 Fluid dairy products
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 11. NRS 581.330 Net weights, containers of flour
 - a. 1st. Violation \$25
 - b. 2nd Violation \$50
 - c. 3rd and subsequent violations \$100
- 12. NRS 581.340 Deceptive construction (packages)

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| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 13. | NRS 581.370 Standard loaf of bread | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 14. | NRS 581.380 Sales of butter and oleomargarine | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 15. | NRS 581.390 Sales of butter and oleomargarine | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 16. | NRS 581.400 Sales of berries and small fruit | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 17. | NRS 581.405 Sales of liquefied petroleum gas | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 18. | NRS 581.410 Making or giving short weight or measure | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 19. | NRS 581.420 Misrepresentation of merchandise | |
| | a. 1st. Violation | \$25 |
| | b. 2nd Violation | \$50 |
| | c. 3rd and subsequent violations | \$100 |
| 20. | NRS 581.430 Obstruction of state sealer or deputies | |
| | a. 1st. Violation | \$100 |
| | b. 2nd Violation | \$500 |
| | c. 3rd and subsequent violations | \$1000 |

VIOLATIONS OF NAC'S

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|-----|----------------------------------|---------------------------------------|-------|
| 21. | NRS 581.011 | Violations, N > I > S > T Handbook 44 | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 22. | NRS 581.050 | Net weights, containers of flour | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 23. | NRS 581.100 | Commodity price advertising | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 24. | NRS 581.200 | Fee charged services | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 25. | NRS 581.210 | Non annual fee charges | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 26. | NRS 581.220 | Special testing fees | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |
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| 27. | NRS 581.230 | Certificate of conformance | |
| | a. 1st. Violation | | \$25 |
| | b. 2nd Violation | | \$50 |
| | c. 3rd and subsequent violations | | \$100 |

WEIGHTS AND MEASURES, ED HOGANSON, SUPERVISOR APRIL 7, 1998