

Alaska Law:

Sec. 45.75.230. Misrepresentation of price.

When a commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price may not be misrepresented, and the price may not be represented in a manner calculated or tending to mislead or deceive an actual or prospective purchaser. When 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 expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

We have not adopted the HB130 Price Verification section but use the published procedures for random sampling techniques and tolerance.

Arizona Law:

41-2081. Sale of commodities

C. A person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

F. Except as otherwise provided in this chapter or by rules adopted pursuant to this chapter, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

4. The price, except as provided in subsections K and L.

K. Instead of each package bearing the price as required under Subsection F, Paragraph 4, the seller may post the price of the package in bold type that measures no less than three-eighths of an inch on the shelf or display at the point of display of the product. If the price on the shelf or display is less than eighteen inches from floor level, the price shall be angled upward from vertical at least fifteen degrees.

L. If the package is offered for sale at a price reduced by a percentage or a fixed amount from a previously offered price, the reduction shall be displayed at the point of display of the package in the manner required by this section.

California Law:

Business and Professions Code 12024.2 (a) It is unlawful for any person, at the time of sale of a commodity, to do any of the following:

(1) Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.

(2) Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

(b) A violation of this section is a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), by imprisonment in the county jail for a period not exceeding one year, or by both, if the violation is willful or grossly negligent, or when the overcharge is more than one dollar (\$1).

(c) A violation of this section is an infraction punishable by a fine of not more than one hundred dollars (\$100) when the overcharge is one dollar (\$1) or less.

(d) As used in subdivisions (b) and (c), "overcharge" means the amount by which the charge for a commodity exceeds a price that is advertised, posted, marked, displayed, or quoted to that consumer for that commodity at the time of sale.

(e) Except as provided in subdivision (f), for purposes of this section, when more than one price for the same commodity is advertised, posted, marked, displayed, or quoted, the person offering the commodity for sale shall charge the lowest of those prices.

(f) Pricing may be subject to a condition of sale, such as membership in a retailer-sponsored club, the purchase of a minimum quantity, or the purchase of multiples of the same item, provided that the condition is conspicuously posted in the same location as the price.

Counties that have a price verification ordinance are required by law to base their random sampling procedure on the guidelines found in the 2005 version of Handbook 130's section on Examination Procedure for Price Verification.

Colorado Law:

[35-14-111. Misrepresentation of price.](#)

No person shall misrepresent the price of any commodity or service sold or offered, exposed, or advertised for sale by weight, measure, or count nor represent the price in any manner calculated or tending to mislead or in any way deceive a person.

Hawaii Law: No response received.

Idaho Law:

Idaho has not adopted HB-130 but would use the following statute to enforce false or misleading prices.

TITLE 71, WEIGHTS AND MEASURES CHAPTER 2, STANDARDS

71-234. Misrepresentation of price prohibited -- Fractions of cents. 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 one-half (1/2) the height and width of the numerals representing the whole cents.

Montana Law:

Montana Code Annotated 30-12-307. Misrepresentation of price. 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 one-half the height and width of the numerals representing the whole cents.

Montana does not have price verification program at this time.

Nevada Law:

NRS 581.067 Duties: Standards for weights and measures; exemptions; investigations; inspections, tests and approval of weights and measures; terms and units of weights and measures; provision of training for governmental employees; determination of accuracy of prices. The State Sealer of Weights and Measures shall:

18. Verify advertised prices, price representations and point-of-sale systems, as necessary, to determine the accuracy of prices and computations and the correct use of the equipment, and, if such systems utilize scanning or coding means in lieu of manual entry, the accuracy of prices printed or recalled from a database. In carrying out the provisions of this subsection, the State Sealer of Weights and Measures shall:

(a) Employ recognized procedures for making such verifications and determinations of accuracy, including, without limitation, any appropriate procedures designated by the National Institute of Standards and Technology;

(b) Adopt regulations and issue orders regarding standards for the accuracy of advertised prices and automated systems for retail price charging, or point-of-sale systems, and for the enforcement of those standards; and

(c) Conduct investigations to ensure compliance with those standards.

(Added to NRS by [2003, 2314](#))

NAC 581.030 Adoption by reference of certain portions of *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*; effect of violation. ([NRS 581.050](#), [581.067](#))

1. The State Sealer of Weights and Measures hereby adopts by reference:

(a) The "Examination Procedure for Price Verification;"

New Mexico Law:

TITLE 21 AGRICULTURE AND RANCHING, CHAPTER 16 AGRICULTURAL WEIGHTS AND MEASURES, PART 6 PRICE REPRESENTATIONS

21.16.6.2 SCOPE: All retailers of consumer commodities.
[7/1/97; 21.16.6.2 NMAC - Rn, 21 NMAC 16.6.2, 05/29/09]

21.16.6.6 OBJECTIVE: This part establishes the price representation requirements for all retail sales displays of consumer commodities sold by weight, measure or count. [7/1/97; 21.16.6.6 NMAC - Rn, 21 NMAC 16.6.6, 05/29/09]

21.16.6.9 PRICE REPRESENTATIONS: All retail sales displays of consumer commodities sold by weight, measure, or count shall include price

information as provided below. It shall be the responsibility of the person or firm selling or offering the commodity for sale to furnish correct price information.

A. 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 immediately adjacent to, of the same general design and style, and at least one-half (1/2) the height and width of the numerals representing the whole cent.

B. Price information may be displayed by means of a sign, which offers the price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label or tag affixed to the commodity itself.

C. Where a sign providing price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.

D. If a single sign or tag does provide the price information for more than one brand or size of a given commodity, the following information shall be provided:

- (1) the identity and the brand name of the commodity;
- (2) the quantity of the packaged commodity if more than one package size per brand is displayed; and
- (3) the total retail sales price.

[7/1/97; 21.16.6.9 NMAC - Rn, 21 NMAC 16.6.9, 05/29/09]

SUBJECT: Examination Procedures for Price Verification (SCS 2010 E-4)
This external policy supersedes SCS 2007 E-4 dated December 17, 2007.

This external policy establishes the procedures for price verification inspections by the New Mexico Department of Agriculture (NMDA) effective January 1, 2006.

Authority

Weights and Measures Law, Chapter 57, Article 17, Sections 1 through 19, NMSA 1978.

57-17-15. MISREPRESENTATION OF PRICE.--Whenever a commodity or service is sold, offered 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 a purchaser.

Price Representation Requirements

The Board of Regents of New Mexico State University, pursuant to the Weights and Measures Law, adopted 21 NMAC 16.6 effective July 1, 1997.

PRICE REPRESENTATIONS: All retail sales displays of consumer commodities sold by weight, measure, or count shall include price information as provided below. It shall be the responsibility of the person or firm selling or offering the commodity for sale to furnish correct price information.

9.1 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 immediately adjacent to, of the same general design and style, and at least one half (1/2) the height and width of the numerals representing the whole cent.

9.2 Price information may be displayed by means of a sign, which offers the price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the commodity itself.

9.3 Where a sign providing price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a non deceptive manner in a central location as close as practical to all items to which the sign refers.

9.4 If a single sign or tag does provide the price information for more than one brand or size of a given commodity, the following information shall be provided:

9.4.1 The identity and the brand name of the commodity;

9.4.2 The quantity of the packaged commodity if more than one package size per brand is displayed; and

9.4.3 The total retail sales price.

Examination Procedures

The procedures for price verification inspections shall be those set forth in *NMDA Examination Procedure for Price Verification* manual.

Questions concerning the price representation requirements or requests for a copy of the manual may be directed to:

Joe E. Gomez, Division Director or
Raymond E. Johnson, Assistant Division Director

Division of Standards and Consumer Services
MSC 3170, P.O. Box 30005
Las Cruces, New Mexico 88003-8005
(575) 646-1616

SCS 2010 E-4 Expires 12-31-2011

Oregon Law:

The authority to adopt NIST Handbooks is established in Oregon Revised Statute (ORS) 618.036 and ORS 618.051. Through these statutes, the 2009 Edition NIST Handbook 130 section on Examination Procedure for Price Verification is adopted through Oregon Administrative Rule 603-027-0180. Oregon law, requires that they adopt specific editions of NIST Handbooks, not simply adopt "the most recent edition".

At this time they do not have a price verification program.

Utah Law:

Link to Utah laws: http://le.utah.gov/~code/TITLE04/htm/04_09_001200.htm

Utah Code Title 4, Chapter 9, Section 12-4-9-12. Unlawful acts specified.

A person may not:

(1) sell, offer, or present for sale a commodity whose weight and measure is less than the weight and measure represented as being sold, offered, or exposed for sale;

(2) misrepresent the price of a commodity sold, advertised, exposed, or offered for sale by weight, measure, or count, or to represent the price in a manner that misleads or deceives a person;

(3) use or possess an incorrect weight or measure in commerce;

(4) remove a tag, seal, or mark from a weight or measure without specific written authorization from the department;

(5) hinder or obstruct an agent of the department dealing with weights and measures in the performance of the agent's duties; or

(6) operate weights and measures in trade or commerce for the purpose of determining the weight or measure of a commodity without a valid weights and measures registration issued by the department.

Utah would like to adopt HB 130, "Examination Procedures for Price Verification." At this time they have no regulation.

Washington Law:

RCW 19.94.390

Price not to be misleading, deceiving, misrepresented — Fractions — Examination procedure standard — Department may revise — Electronic scanner screen visibility.

(1) 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 one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=19.94.390>

and

<http://apps.leg.wa.gov/WAC/default.aspx?cite=16-662&full=true>

Chapter 16-662 WAC Last Update: 9/1/10
Weights and measures — national handbooks

Chapter Listing
WAC Sections

16-662-100 What is the purpose of this chapter?

16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?

16-662-110 Does the WSDA modify NIST Handbook 44?

16-662-115 Does the WSDA modify NIST Handbook 130?

16-662-120 How does the WSDA conduct inspections of the net contents of packaged goods under NIST Handbook 133?

16-662-125 When does WSDA take enforcement action when conducting price verification inspections under NIST Handbook 130?

c) Weights and measures requirements for price verification Examination Procedure for Price Verification as adopted by the National Conference on Weights and Measures and published in NIST Handbook 130, 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation

Wyoming Law: No response received.