

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 283

Short Title: Weights and Measures Act Amended.

(Public)

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Sponsors: Senator Hyde.

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Referred to: Judiciary I.

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March 26, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WEIGHTS AND MEASURES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 81A-26 reads as rewritten:

"(a) Whenever the quantity is determined by the seller, bulk sales in excess of twenty dollars (\$20.00) and all bulk deliveries of heating fuel shall be accompanied by a delivery ticket containing the following information:

(1) The name and address of the vendor and purchaser,

(2) The date delivered,

(3) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity,

(4) The identity of the most descriptive terms commercially practicable, including any quality representation made in connection with the sale, and

(5) The count of individually wrapped packages, if more than ~~one~~ one, and

(6) For heating fuels which are liquids and gases, the price per gallon and any other charges associated with the delivery; for other liquids, gases and solids, the price per pound or other standard unit of measurement.

(b) Any invoice corresponding to the delivery ticket required under the preceding subsection (a) shall contain the information set forth in the preceding subdivisions (a)(1) through (6), and shall also state the amount of sales tax, if any, and the grand total.

(c) Whenever a seller quotes a price or other terms and conditions to a potential purchaser under this section, if those terms and conditions include a low, introductory

1 price, other reduced charges, or other special conditions not representative of the prices  
2 or terms and conditions that apply to existing customers of the same type or class, the  
3 seller shall clearly and conspicuously disclose: (i) those facts, (ii) the price and terms  
4 and conditions that apply to existing customers of the same type or class as the potential  
5 purchaser on that date, and (iii) the amount of time that the introductory or  
6 unrepresentative price or terms and conditions will remain in effect."

7 Sec. 2. Article 3 of Chapter 81A of the General Statutes is amended by  
8 adding the following new sections:

9 **"§ 81A-30.1. Civil penalties.**

10 A civil penalty of not more than five thousand dollars (\$5,000) for each violation  
11 may be assessed by the Commissioner against any person who violates this Chapter. In  
12 determining the amount of the penalty, the Commissioner shall consider the degree and  
13 extent of harm caused by the violation. No civil penalty shall be assessed under this  
14 section unless the person has been given an opportunity for a hearing pursuant to the  
15 Administrative Procedure Act. If not paid within 30 days after the effective date of a  
16 final decision by the Commissioner, the penalty may be collected by any lawful manner  
17 for the collection of a debt.

18 **"§ 81A-30.2. Unfair trade practices.**

19 Violation of the provisions of Chapter 81A of the General Statutes is a violation of  
20 G.S. 75-1.1."

21 Sec. 3. This act becomes effective October 1, 1991.