

By Mr. DiPaola of Malden, petition of James V. DiPaola for legislation to further regulate the unit pricing of certain packaged commodities. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT PROMOTING ACCURATE UNIT PRICING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 115A of chapter 6 of the General Laws as appearing
2 in the 1992 Official Edition is hereby amended by deleting the last
3 sentence in the first paragraph, and inserting in place thereof the
4 following two paragraphs:

5 The director of standards or anyone authorized by him may
6 conduct inspections of any establishment selling packaged
7 commodities for personal, family or household purposes to
8 consumers, and issue notices of violation for any violation of this
9 chapter or the regulations promulgated hereunder. Such
10 violations shall include ones for missing, incorrect or misplaced
11 unit pricing labels. The fine shall be one hundred dollars for each
12 violation, up to a maximum of twenty-five hundred dollars per
13 inspection. There shall be no more than one violation issued per
14 display of an item. The director shall allow a tolerance for error
15 equivalent to ten percent of the violations found. There shall be
16 no tolerance for error on violations issued as a result of verified
17 consumer complaints.

18 Uncontested fines levied under this chapter shall be paid within
19 thirty days of issuance of the notice of violation. Any aggrieved
20 seller may appeal any unjustified fines to the director of standards
21 if such appeal is filed within thirty days of the issuance of the notice
22 of violation. If the grounds for appeal are determined to be
23 without reasonable basis, the fine shall be doubled.

