

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 252

# **SENATE BILL 1535**

AN ACT

AMENDING SECTION 41-2081, ARIZONA REVISED STATUTES; RELATING TO METHOD OF SALE OF COMMODITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2081, Arizona Revised Statutes, is amended to  
3 read:

4 41-2081. Sale of commodities

5 A. A person shall not sell or offer or expose for sale less than the  
6 quantity the person represents.

7 B. As a buyer, a person shall not take any more than the quantity the  
8 person represents when the person furnishes the weight or measure by means of  
9 which the quantity is determined.

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

14 D. Except as otherwise provided by the director, commodities in liquid  
15 form shall be sold by liquid measure or by weight, and commodities not in  
16 liquid form shall be sold only by weight, by measure or by count, as long as  
17 the method of sale provides accurate quantity information.

18 E. If the quantity is determined by the seller, bulk sales shall be  
19 accompanied by a delivery ticket containing the following information unless  
20 exempted by rule:

21 1. The name and address of the vendor and purchaser.

22 2. The date delivered.

23 3. The quantity delivered and the quantity upon which the price is  
24 based, if this differs from the delivered quantity.

25 4. The identity in the most descriptive terms commercially  
26 practicable, including any quality representation made in connection with the  
27 sale.

28 5. The count of individually wrapped packages, if more than one.

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

33 1. The identity of the commodity in the package, unless the commodity  
34 can easily be identified through the wrapper or container.

35 2. The quantity of contents in terms of weight, measure or count.

36 3. The name and place of business of the manufacturer, packer or  
37 distributor, in the case of any package kept, offered or exposed for sale or  
38 sold in any place other than on the premises where packed.

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

40 G. In addition to the declarations required by subsection F, any  
41 package being one of a lot containing random weights of the same commodity  
42 and bearing the total selling price of the package shall bear on the outside  
43 of the package a plain and conspicuous declaration of the price per single  
44 unit of weight.

1 H. If a packaged commodity is advertised in any manner with the retail  
2 price stated, there shall be closely and conspicuously associated with the  
3 retail price a declaration of quantity as is required by law or rule to  
4 appear on the package. If a dual declaration is required, only the  
5 declaration that sets forth the quantity in terms of the smaller unit of  
6 weight or measure need appear in the advertisement.

7 I. The packager of a short weighted item offered for sale is liable  
8 under this chapter.

9 J. If a retail seller engaging in the sale of motor fuel posts the  
10 selling price of the fuel on the premises, the seller shall post the selling  
11 price only by the price per gallon, except that if the fuel is dispensed by a  
12 measure other than whole gallons the seller shall represent the selling price  
13 for each unit of such other measure on the individual pump or other  
14 dispensing device. If a retail seller engaging in the sale of motor fuel  
15 advertises the price of the fuel off the premises, the retail seller shall  
16 advertise the price only by the price per gallon.

17 K. The owner or operator of a motor fuel dispensing site shall ensure  
18 that a sticker provided by the department of transportation that is three  
19 inches by five inches and that depicts the amount of federal and state taxes  
20 imposed on one gallon of gasoline, is displayed on one side of each motor  
21 fuel dispenser. The sticker required by this subsection shall contain white  
22 lettering on a black background or black lettering on a white background to  
23 ensure a contrasting color to the motor fuel dispenser and shall be placed on  
24 the upper sixty per cent of the dispenser. The department of weights and  
25 measures shall use stickers provided by the department of transportation. A  
26 template of the sticker shall be placed on the department of weights and  
27 measures' website for use by retailers. During the course of its normal  
28 random inspections, the department of weights and measures shall apply the  
29 stickers with a compliance schedule of four years after ~~the effective date of~~  
30 ~~the amendment to this section~~ JULY 29, 2010.

31 L. Instead of each package bearing the price as required under  
32 subsection F, paragraph 4, the seller may post the price of the package in  
33 ~~bold type that measures no less than three eighths of an inch on the shelf or~~  
34 ~~display at the point of display of the product. If the price on the shelf or~~  
35 ~~display is less than eighteen inches from floor level, the price shall be~~  
36 ~~angled upward from vertical at least fifteen degrees.~~

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

41 N. On the request of a consumer, a retail seller shall provide:

42 1. A means of recording prices such as grease pencils, felt markers,  
43 scanners or other similar instruments for recording the price.

44 2. A written statement of the retail seller's policies regarding  
45 errors in pricing.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House April 19, 2011,

Passed the Senate March 3, 2011,

by the following vote: 44 Ayes,

by the following vote: 26 Ayes,

15 Nays, 1 Not Voting

7 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Cheryl Laube  
Chief Clerk of the House

Chaymin B. Bentley  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 20 11,

at 4:20 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 26th day of

April, 20 11,

at 10:57 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26th day of April, 20 11,

at 2:55 o'clock \_\_\_\_\_ M.

[Signature]  
Secretary of State

S.B. 1535