

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5432. Offenses and Penalties.

Any person who, personally or by a servant or agent, or as the servant or agent of another person, performs any of the acts enumerated in subsections (a) through (i) of this section shall be guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than \$20 or more than \$200, or by imprisonment for not more than three months, or both; and upon a second or subsequent conviction thereof, the person shall be punished by a fine of not less than \$50 or more than \$500, or by imprisonment for not more than one year, or both.

(a) Use, or have in possession for the purpose of using for any commercial purpose specified in 4 CMC § 5423, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect or measure or any device or instrument used to or calculated to falsify any weight or measure.

(b) Use, or have in possession for current use, in the buying or selling of any commodity or thing, or for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any weight or measure that has not been tested and sealed by the appropriate authority within one year;

(1) Unless written notice has been given to the appropriate authority to the effect that such weight or measure is available for examination, or is due for reexamination;

(2) Unless specific written permission to use such weight or measure has been received from the appropriate authority; or

(3) Unless such weight or measure has been exempted from sealing or annual testing requirements by 4 CMC § 5423 or by a regulation issued under the authority of 4 CMC § 5422.

(c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(d) Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

(e) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

(f) Take more than the quantity the person represents of any commodity, thing, or service when, as buyer, the person furnishes the weight or measure by means of which the amount of commodity, thing, or service is determined.

(g) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or regulation.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring

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operation observed from some position which may reasonably be assumed by a customer.

(i) Violate this chapter or the regulations promulgated under this chapter for which a specific penalty has not been prescribed.

Source: DL 5-20, § 17.