

# HOUSE BILL No. 5121

September 6, 2005, Introduced by Reps. Polidori, Clemente, Byrnes, Miller, Hopgood, Condino, Jones, Plakas, Espinoza, Gleason, Vagnozzi, Accavitti, Gonzales, Wojno, Lipsey, Hood, McConico, Lemmons, Jr., Murphy, Kolb, Adamini, Sak, Meisner, Alma Smith, Williams, Zelenko, Spade, Leland, Tobocman, Sheltroun, Garfield and Lemmons, III and referred to the Committee on Agriculture.

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28b (MCL 290.628b).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 28b. (1) ~~Whenever any~~ **IF A** commodity or service is sold  
2 ~~— or is~~ offered, exposed, or advertised for sale ~~—~~ by weight,  
3 measure, or count, **A PERSON SHALL NOT MISREPRESENT** the price ~~shall~~  
4 ~~not be misrepresented, nor shall the price be represented~~ **OR**  
5 **REPRESENT THE PRICE** in any manner calculated or tending to mislead  
6 or deceive an actual or prospective purchaser. ~~Whenever~~

7           (2) **IF** an advertised, posted, or labeled price per unit of  
8 weight, measure, or count includes a fraction of a cent, **A PERSON**  
9 **SHALL PROMINENTLY DISPLAY** all elements of the fraction ~~shall be~~

1 ~~prominently displayed~~ and **DISPLAY** the numeral or numerals  
2 expressing the fraction ~~shall be~~ immediately adjacent to, ~~of~~ **IN**  
3 the same general design and style as, and at least 1/2 the height  
4 and width of the numerals representing the whole cents.

5       **(3) IF A RETAIL PURCHASER OF GASOLINE MUST PURCHASE ANOTHER**  
6 **PRODUCT OR MEET ANY OTHER REQUIREMENTS TO RECEIVE A POSTED PRICE**  
7 **PER GALLON OF GASOLINE, THE RETAIL SELLER OF THE GASOLINE SHALL**  
8 **INCLUDE ON EACH MARQUEE OR SIGN ON WHICH THAT PRICE PER GALLON IS**  
9 **POSTED A DESCRIPTION OF THE REQUIREMENTS, IN 5-INCH TYPE OR TYPE**  
10 **THAT IS AT LEAST 1/2 THE HEIGHT AND WIDTH OF THE TYPE USED FOR THE**  
11 **NUMERALS EXPRESSING THE POSTED PRICE, WHICHEVER IS LARGER.**