SENATE DOCKET, NO. 1573 FILED ON: 1/18/2013

SENATE . . . . . No. 104

The Commonwealth of Massachusetts

PRESENTED BY:

***Cynthia S. Creem*, (BY REQUEST)**

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to weights and measures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Howard Ecker	*161 Hyslop Road Brookline, MA 02445*

SENATE DOCKET, NO. 1573 FILED ON: 1/18/2013

SENATE . . . . . No. 104

By Ms. Creem (by request), a petition (accompanied by bill, Senate, No. 104) of Howard Ecker for legislation relative to weights and measures. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to weights and measures.

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

SECTION 1. Section 1 of chapter 98 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following new definitions:

"Precious metal", any gold, silver or platinum.

"Secondhand dealer", any person, corporation, or other business organization or entity which is not a secondary metals recycler and which is engaged in the business of purchasing, consigning, or trading secondhand goods in the Commonwealth.

SECTION 2. Chapter 98 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 58, the following new sections:

Section 59. (a) A weighing or measuring device used by secondhand dealers and dealers in precious metals shall be sealed bi-annually by the Sealer of Weights and Measures appointed by the city or town in which the second hand business is located, pursuant to the guidelines established in chapter 98 of the General Laws and any additional by-laws of the municipality.

(b) A weighing or measuring device used by secondhand dealers and dealers in precious metals who do not have a physical retail location in the municipality shall be sealed by the Sealer of Weights and Measures appointed by the city or town, no longer than 72 hours prior to the commencement of any purchases or sales, pursuant to the guidelines established in chapter 98 of the General Laws and any additional by-laws of the municipality;

(c) A weighing or measuring device used in the purchase of precious metals shall be positioned in such a manner that its indications may be accurately read and the weighing operation observed from a position which may be reasonably assumed by the buyer and seller.

(d) Failure to comply with subsections (a) to (c), inclusive, shall constitute an unfair or deceptive act under the provisions of chapter 93A, and may be enforced as provided therein.

Section 60. (a) Secondhand dealers must conspicuously post their prices for the purchase of precious metals.

(b) When a weighing device or measuring device is used to purchase precious metals, there shall be posted, on a conspicuous sign located close to the weighing or measuring device, a statement of prices for the precious metals being purchased as a result of the weight determination.

(c) The statement of prices shall include, but not be limited to, the following in terms of the price per troy ounce:

(1) The price for 24 karat, 18 karat, 14 karat, and 10 karat gold

(2) The price for pure silver and sterling silver

(3) The price for platinum

(d) When the weight determination is expressed in metric units, a conversion chart to troy ounces shall be prominently displayed so as to facilitate price comparison. The metric equivalent of a troy ounce is 31.10348 grams.

(e) Failure to comply with subsection (a) to (d), inclusive, shall constitute an unfair or deceptive act under the provisions of chapter 93A, and may be enforced as provided therein.