

enumerated in paragraphs (a) through [(i)] (k) 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 \$10.00 or] more than [ \$200.00] \$500.00 or by imprisonment for not more than 3 months, or by both such fine and imprisonment; and upon a second or subsequent conviction thereof he shall be punished by a fine of not less than [ \$50.00] \$200.00 or more than [ \$500.00] \$1000.00, or by imprisonment for not more than 1 year or by both such fine and imprisonment.

(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 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 which has not been sealed by the Superintendent, or any inspector, or a sealer or deputy sealer, unless written notice has been given to the Superintendent or to the sealer in whose territory the weight or measure is located, to the effect that such weight or measure is available for examination, [or] and unless specific written permission to use such weight or measure has been received from the office of the Superintendent or from the sealer in whose territory the weight or measure is located.

(d) Remove from any weight or measure, contrary to law or regulation, any tag [or], seal or mark placed thereon by the Superintendent, or any inspector, or a sealer or deputy sealer.

(j) *Manipulate or in any manner render a weight or measure to a state calculated to deceive or defraud anyone.*

(k) *Misrepresent a weight, measurement, or count affecting any purchase, sale, award, or amounts paid or charged for a service.*

### 35. Definitions.

(4) *The term "inspector" shall be construed to mean a State inspector of weights and measures.*

(5) *The terms "sealer" and "deputy sealer" shall be construed to mean, respectively, a sealer of weights and measures and a deputy sealer of weights and measures of a city, of a county, or of a joint city-county jurisdiction.*

(6) *The phrases "commodity in bulk" or "sale from bulk" mean the sale of commodities when the quantity is determined at the time of sale.*

(7) *The term "primary standards" means the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived.*

(8) *The term "secondary standards" means the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.*

### 36. Applicability in Baltimore City.

The State Superintendent of Weights and Measures, or any inspector, shall not exercise any authority with respect to administration