

ARTICLE VI WEIGHING AND TESTING

§601. Repealed.

§602. Certified testers

It shall be unlawful for any milk dealer to buy or receive milk from producers, or to sell or deliver milk to stores or consumers, on the basis of, or with reference to, the amount of butterfat or appropriate milk components contained in such milk, unless the butterfat or component tests thereof is conducted by a tester certified by the board.

The certified tester shall keep an accurate record of all tests made, and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer.

Any person who, upon the effective date of this act, is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture, shall, upon application to the board, on a form prescribed by the board, furnishing information including that pertaining to good character and to the apparatus and methods used in testing, be issued a certificate and be designated therein as a certified tester.

Any person who is not the holder of such certificate of proficiency upon the effective date of this act, shall, prior to applying for a tester's certificate, apply to the board for a certificate of proficiency. Such application shall be accompanied by a fee of five dollars (\$ 5.00). The applicant shall be required to pass an examination in milk testing, reasonably prescribed and conducted by the board, and upon approval of the application shall be issued a certificate of proficiency. Thereupon, and annually thereafter without such examination, the person so certified may apply for a tester's certificate as herein prescribed.

The application for a tester's certificate, accompanied by a fee of five dollars (\$ 5.00), shall be filed, upon a form prescribed by the board, before commencing to test milk, and annually thereafter on or before December first.

The tester's certificate issued hereunder shall be for the term of one calendar year, and shall be posted and kept in plain view in the plant in which the certified tester is employed.

§603. Certified weighers and samplers

It shall be unlawful for any milk dealer to buy or receive milk from producers, or to sell or deliver milk to stores or consumers on the basis of, or with reference to, the amount of butterfat or appropriate milk components contained in such milk, unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler, and according to the method prescribed in this act or in regulations established by the board under this act.

It shall be unlawful for any person to pick up milk from farms unless the person making the pickup has a valid tester's certificate or weigher's or sampler's certificate issued by the board.

Any person who, upon the effective date of this act, is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture, shall, upon application to the board on a form prescribed by the board furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling, be issued a certificate and be designated therein as a certified weigher and sampler.

Any person who is not the holder of such certificate of proficiency upon the effective date of this act, shall, prior to applying for a weighing and sampling certificate, apply to the board for a certificate of proficiency. Such application shall be accompanied by a fee of five dollars (\$ 5.00). The applicant shall be required to pass an examination in weighing and sampling milk, reasonably prescribed and conducted by the board, and upon approval of the application shall be issued a certificate of proficiency. Thereupon, and annually thereafter without such examination, the person so certified may apply for a certificate as a certified weigher and sampler. The application for such weighing and sampling certificate, accompanied by a fee of five dollars (\$ 5.00), shall be filed, upon a form prescribed by the board, before commencing to sample milk, and annually thereafter on or before December first.

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year, and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed.

§604. Refusal, suspension and revocation of permits and certificates

The board may decline to grant, or may suspend or revoke, a weighing or measuring permit, a tester's certificate or a weighing and sampling certificate, where the applicant therefor, or holder thereof, has violated any provision of this act for the weighing, measuring, testing or sampling of milk, or has violated any rules, regulations or orders of the board respecting the weighing, measuring, testing or sampling of milk, or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk, or which causes stores or consumers to overpay for such milk, or which otherwise defrauds or tends to defraud milk producers, stores or milk consumers.

The procedure before the board and of the board, with respect to the refusal, suspension or revocation provided for herein, and the procedure governing appeals from such action of the board, shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder.

Licenses, permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby, and which are in force upon the effective date of this act, shall be deemed permits and certificates issued by the board hereunder until the expiration dates thereof, and the holders shall be subject to all applicable provisions of this act.

§605. Transfer

The permits and certificates herein provided for may not be assigned or transferred.