ARIZONA

3-3431. Sale of commodities

A. A person shall not sell or offer or expose for sale less than the quantity the person represents.

B. As a buyer, a person shall not take any more than the quantity the person represents when the person furnishes the weight or measure by means of which the quantity is determined.

C. A person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

D. Except as otherwise provided by the associate director, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure or by count, as long as the method of sale provides accurate quantity information.

E. If the quantity is determined by the seller, bulk sales shall be accompanied by a delivery ticket containing the following information unless exempted by rule:

1. The name and address of the vendor and purchaser.

2. The date delivered.

3. The quantity delivered and the quantity on which the price is based, if this differs from the delivered quantity.

4. The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

5. The count of individually wrapped packages, if more than one.

F. Except as otherwise provided in this chapter or by rules adopted pursuant to this chapter, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

1. The identity of the commodity in the package, unless the commodity can easily be identified through the wrapper or container.

2. The quantity of contents in terms of weight, measure or count.

3. The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.

4. The price, except as provided in subsections L, M and N of this section.

G. In addition to the declarations required by subsection F of this section, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

H. If a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. If a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

I. The packager of a short weighted item offered for sale is liable under this chapter.

J. If a retail seller engaging in the sale of motor fuel posts the selling price of the fuel on the premises, the seller shall post the selling price only by the price per gallon, except that if the fuel is dispensed by a measure other than whole gallons the seller shall represent the selling price for each unit of such other measure on the individual pump or other dispensing device. If a retail seller engaging in the sale of motor fuel advertises the price of the fuel off the premises, the retail seller shall advertise the price only by the price per gallon.

K. The owner or operator of a motor fuel dispensing site shall ensure that a sticker provided by the department of transportation that is three inches by five inches and that depicts the amount of federal and state taxes imposed on one gallon of gasoline is displayed on one side of each motor fuel dispenser. The sticker required by this subsection shall contain white lettering on a black background or black lettering on a white background to ensure a contrasting color to the motor fuel dispenser and shall be placed on the upper sixty percent of the dispenser. The division shall use stickers provided by the department of transportation. A template of the sticker shall be placed on the division's website for use by retailers.

L. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, the seller may post the price of the package on the shelf or may display the price at or near the point of display of the product.

M. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, if the package is available for sale only with the assistance of a salesperson, the seller may display the package at a service counter staffed by the salesperson.

N. Instead of each package bearing the price as required under subsection F, paragraph 4 of this section, if the package is offered for sale at a price reduced by a percentage or a fixed amount from a previously offered price or at a reduced price for the purchase of multiple items, the reduction shall be displayed at the point of display of the package or near the point of display of the package in the manner required by this section.

O. On the request of a consumer, a retail seller shall provide:

1. A means of recording prices such as grease pencils, felt markers, scanners or other similar instruments for recording the price.

2. A written statement of the retail seller's policies regarding errors in pricing.

R3-7-104. Administrative Enforcement Action

I. Price verification.

1. The initial inspection of a retail location for price verification is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
2. The Division shall issue a stop-sale, stop-use tag to a person who fails a price verification inspection if the violation cannot be corrected within 30 minutes of the Division completing the inspection.
    a. The Division may impose a civil penalty up to $100 per violation on a person who fails a reinspection if the Division finds more than one item at more than its posted price.
    b. The Division may impose a civil penalty up to $200 per violation on a person who fails a second reinspection. The Division shall increase the per violation civil penalty imposed by $100 for each subsequent reinspection until the violation is corrected.
3. If the Division receives and substantiates a complaint about a person against whom the Division took an administrative enforcement action under subsection (I)(2) within the 60 days before the date of the complaint, the Division shall issue a stop-sale, stop-use tag and impose a civil penalty that is $100 more than the civil penalty that the Division previously imposed against this person.
4. The Division may issue a warning tag to a person who does not have a written price-error policy. The Division may impose a civil penalty up to $500 if the person does not have a written price-error policy upon reinspection.
5. The Division shall issue a warning tag to a person who does not have a price display visible to the consumer at a check-out location. The Division shall issue an out-of-service tag if the person does not have a price display visible to the consumer at a check-out location upon reinspection.

J. Price posting.

1. The initial inspection of a retail location for price posting is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
2. The Division shall issue a stop-sale, stop-use tag to a person who fails a price posting inspection if the violation cannot be corrected within 30 minutes of the Division completing the inspection.
3. The Division may impose a civil penalty up to $50 for each inspected lot not priced if a person fails a reinspection with a score of less than 96 percent.
4. The Division may impose a civil penalty up to $100 for each inspected lot not priced if a person fails a second reinspection.

5. If the Division receives and substantiates a complaint about a person against whom the Division took an administrative enforcement action under subsection (J)(2) within the 60 days before the date of the complaint, the Division shall issue a stop-sale, stop-use tag and impose a civil penalty that is $100 more than the civil penalty that the Division previously imposed against this person.

R3-7-302. Handbook 130 and Handbook 133

C. A retail seller shall price a commodity at the date and time that it is ordered by a customer.

D. A retail seller who offers, exposes, or advertises a commodity for sale or rent shall post a definite, plain, and conspicuous price on the commodity or adjacent to where the commodity is displayed. If the price of the commodity is by weight, measure, or count, the retailer shall place the price per weight, measure, or count on the commodity or adjacent to where the commodity is displayed. If a retailer offers a commodity for sale or rent at a price reduced by a percentage or a fixed amount from a previously offered price, the retailer shall place the reduction or reduced price on the commodity or adjacent to where the commodity is displayed.