



**COMMONWEALTH OF MASSACHUSETTS**  
**DIVISION OF STANDARDS**  
**One Ashburton Place, Room 1115**  
**Boston, Ma. 02108**  
**Tel: 617-727-3480**

**OFFICE USE ONLY**

ISSUE DATE: \_\_\_\_\_

WAIVER # \_\_\_\_\_

FORM WA-1/13

**Application for Consumer Scanning Waiver**

**2013**

This application must be filled out as indicated, duly signed, and returned to this office. If the applicant, has no outstanding fines under M.G.L. Chapter 94 sections 184B to 184D, inclusive, or section 56D of chapter 98 a waiver will be issued. **Mail to the Division of**

**Standards: One Ashburton Place, Room 1115, Boston, MA 02108**

**CORPORATE INFORMATION:**

COMPANY NAME \_\_\_\_\_ DBA \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ TELEPHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

**STORE INFORMATION:**

STORE NAME \_\_\_\_\_ STORE ID \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ TELEPHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

Chapter 94 Section 184E. (a) A food store or food department seeking to convert from an individual item pricing system to a consumer price scanner system shall seek a waiver from the division. The waiver shall be granted by the division provided that the food store or food department has no outstanding fines under sections 184B to 184D, inclusive, or section 56D of chapter 98. Please enclose a check made payable to the Commonwealth of Mass. The waiver fee is per store location and is based on the square feet of product display space. The fees are: \$250 fee if the retail space is less than 15,000 square feet, \$500 fee if the retail space is greater than or equal to 15,000 square feet, but less than 30,000 square feet or a \$1,000 fee if the retail space is more than 30,000 square feet.

**WAIVER FEE SCHEDULE**  
**RETAIL SQ. FT. FEE AMOUNT**

☐ (A) 30,000 sq.ft. or Over \$500.

☐ (B) 15,000 sq. ft.< 30,000 sq.ft. \$250.

☐ (C) Under 15,000 sq. ft. \$125.

Please Check Appropriate Box

**NOTE: THESE FEES ARE FOR SIX MONTHS.**  
**THE WAIVERS EXPIRE ON JUNE 30, 2013 AND**  
**MUST BE RENEWED THEREAFTER.**

Pursuant to Massachusetts General Law Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

I/WE have requested a consumer scanner waiver as subject to Chapter 94 Sections 184 B-E and Regulations as promulgated by the Division of Standards Deputy Director and have no outstanding fines under Chapter 94 sections 184B to 184D, inclusive, or section 56D of chapter 98 enclosed check made payable to;

**COMMONWEALTH OF MASSACHUSETTS** in the amount of \$ \_\_\_\_\_. I/WE have read the requirements and completed information on the reverse side of this application.

Signature of Representative \_\_\_\_\_ Date \_\_\_\_\_

## **“NO JOB LOSS” AFFIDAVIT**

Chapter 94 Section 184E. (b) Under the regulations promulgated under this chapter, the division shall require each applicant to complete a “no job loss” affidavit which shall include, but not be limited to, the number of people employed at the time of the application process and the establishment of a complaint process, to ensure that full and part-time employees do not suffer any wage or benefit loss due to the transfer. After the filing of the affidavit, if there is any resulting job loss at the store due to the implementation of the waiver not attributed to seasonal employment or verifiable economic pressures, the store shall be required to use an individual item pricing system for 1 year under sections 184B to 184E, inclusive, or other applicable laws or regulations promulgated hereunder and be subject to a fine of not more than \$5,000.

(f) Any food store or food department with more than 5,000 square feet of total space converting from an individual item pricing system to a consumer price scanner pricing system shall within 3 months of such conversion hire or maintain not less than 2 employees whose responsibilities shall include the maintenance of all consumer price scanners within the food store or food department.

### **Read above and complete the following:**

Current Number of Full Time \_\_\_\_\_ and Part-Time \_\_\_\_\_ Employees.

Our Human Resource department has established policies, for an employee complaint process, to ensure that full time and part-time employees do not suffer any wage or benefit loss due to the transfer. (circle) YES NO

## **CONSUMER SCANNER REQUIREMENTS**

(c) A food store or food department using a consumer price scanner system shall be subject to inspection by the deputy director for compliance with this section. The deputy director shall not cause any food store or food department using a consumer price scanner system to be inspected more than once per calendar month. If, within the previous 30 days, there is a verified pattern of consumer complaints or, upon regular inspection, the food store or food department is not in compliance with this section, the division may inspect a food store or food department using a consumer scanner pricing system once every week until the food store or food department is found to be in compliance with this section.

(d) Each food store or food department with more than 5,000 square feet of retail space that employs a consumer price scanner system shall have at least 1 fully operational consumer price scanner for every 5,000 square feet of retail space or part thereof. The location of a consumer price scanner shall be disclosed by 1 clear and conspicuous sign at eye-level and 1 clear and conspicuous sign above eye level. Consumer price scanners shall be equally spaced throughout the store in fixed locations. A food store or food department with more than 5,000 square feet shall have at least 1 fully operational consumer price scanner capable of producing an individual item pricing tag. At all such scanner locations, the food store or food department shall provide the consumer with a means by which such pricing tag may be affixed or appended to the item or its packaging, such as tape or an adhesive price tag. The deputy director may, by regulation, authorize new technologies in lieu of required consumer price scanners which further the intent of this section, including, but not limited to, hand held or shopping cart attached scanners which retain in memory and itemize all scanned items. Such technologies may reduce the required number of consumer scanners by no more than 50 per cent.

(e) Consumer price scanners shall be deemed fully operational if: (1) the consumer price scanner clearly and conspicuously identifies and displays the item by name or other distinguishing characteristics; and (2) the consumer price scanner displays the item’s correct price when the item is scanned and, in the case of a food store or food department that uses loyalty cards or otherwise maintains a dual pricing system, the consumer price scanner displays both the loyalty card price and the non-card price if they differ. A sign containing contact information for the division shall be posted by each consumer price scanner so that consumers may report broken consumer price scanners. Such consumer price scanners shall be in compliance with the Americans with Disabilities Act Accessibility Guidelines, 28 CFR Part 36, Appendix A and the architectural access board regulations 521 CMR 1.00, et. seq. Any violation of this subsection shall be considered in determining a consumer price scanner’s pass or fail designation as defined in subsection (i). (g) An inspector may choose to test a food store or food department’s consumer price scanner system for accuracy. The inspector may choose the sample size for accuracy tests provided that the size of sample is not less than 50 items and not more than 200 items. Any scanning that yields an incorrect price that causes a food store or food department’s consumer price scanner accuracy rating to fall below 98 per cent shall constitute a separate violation. This subsection shall not be used to impact a scanner’s pass or fail grade as defined in subsection (i) but the cumulative violations of this subsection in any particular store or department shall be used in contributing toward the maximum fine imposed under the same subsection.

**SQUARE FOOTAGE OF RETAIL SPACE** \_\_\_\_\_ **NUMBER OF CONSUMER SCANNERS REQUIRED** \_\_\_\_\_

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_ Company Name \_\_\_\_\_

**THIS APPLICATION IS SIGNED UNDER THE PENALTIES OF PERJURY**