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UNIFORM LAWS AND REGULATIONS

In the area of legal metrology and engine fuel quality

United States Department of Commerce

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130

Technology Administration

National Institute of Standards and Technology

As adopted by the 100th National Conference On Weights and Measures 2016

NIST Handbook 2016

D. Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices

as adopted by
The National Conference on Weights and Measures*

1. Background

The Uniform Regulation covering the registration of servicepersons and service agencies was developed and adopted by the National Conference on Weights and Measures (NCWM) in 1966, retitled in 1983, and substantially revised in 1984. It is designed to promote uniformity among those jurisdictions that provide for or are contemplating the establishment of some type of control over the servicing of commercial weighing and measuring devices. It offers to a serviceperson or to a service agency the opportunity to register and carries with it the privilege of restoring devices to service and of placing new or used devices in service.

Two unique features of the registration plan are its voluntary nature and the provision for reciprocity. Registration is not required; however, the privileges gained make it attractive. Also, in order to provide maximum effectiveness of the program and to reduce legal obstacles to a minimum to service across state lines, provision is made for reciprocity in certification of standards and testing equipment among states.

2. Status of Promulgation

The table beginning on page 10 shows the status of adoption of the Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices.

**The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and Technology (NIST) in partial implementation of its statutory responsibility for "cooperation with the states in securing uniformity in weights and measures laws and methods of inspection."*

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Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices

Section 1. Policy

For the benefit of the users, manufacturers, and distributors of commercial weighing and measuring devices, it shall be the policy of the Director of Weights and Measures, hereinafter referred to as "Director," to accept registration of (a) an individual and (b) an agency providing acceptable evidence that he, she, or it is fully qualified by training or experience to install, service, repair, or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and has possession of, or has available for use, and will use suitable and calibrated weights and measures field standards and testing equipment appropriate in design and adequate in amount. (An employee of the government shall not be eligible for registration.)

The Director will check the qualifications of each applicant. It will be necessary for an applicant to have available sufficient field standards and equipment (see Section 5, Minimum Equipment).

It shall also be the policy of the Department to issue a "Certificate of Registration" to qualified applicants whose applications for registration are approved. This Certificate grants authority to remove rejection seals and tags placed on Commercial and Law Enforcement Weighing and Measuring Devices by authorized weights and measures officials, to place in service repaired devices that were rejected, and to place in service devices that have been newly installed.

The Director is NOT guaranteeing the work or fair dealing of a Registered Serviceperson or Service Agency. He will, however, remove from the registration list any Registered Serviceperson or Service Agency that performs unsatisfactory work or takes unfair advantage of a device owner.

Registration with the Director shall be on a voluntary basis. The Director shall reserve the right to limit or reject the application of any Serviceperson or Service Agency and to revoke his, her, or its permit to remove rejection seals or tags for good cause.

This policy shall in no way preclude or limit the right and privilege of any individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device (see Section 7, Privileges and Responsibilities of a Voluntary Registrant).

(Added 1966) (Amended 1984 and 2005)

Section 2. Definitions

2.1. Registered Serviceperson. – Any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who voluntarily registers with the Director of Weights and Measures.

(Added 1966)

2.2. Registered Service Agency. – Any agency, firm, company, or corporation that for hire, award, commission, or any other payment of any kind installs, services, repairs, or reconditions a commercial weighing or measuring device, and that voluntarily registers with the Director of Weights and Measures. Under agency registration, identification of individual servicepersons shall be required.

(Added 1966) (Amended 1984)

2.3. Commercial and Law Enforcement Weighing and Measuring Devices. – Any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device. It also includes weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

(Added 1966) (Amended 1984)

Section 3. Registration Fee

There shall be charged by the Director an annual fee of $Zero per Registered Serviceperson and $Zero per Registered Service Agency to cover costs at the time application for registration is made, and annually, thereafter.

(Added 1966) (Amended 1984)

Section 4. Voluntary Registration

An individual or agency qualified by training or experience may apply for registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, shall include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession or available for use, and will use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations. An applicant also shall submit appropriate evidence or references as to qualifications. Application for registration shall be voluntary, but the Director is authorized to reject or limit any application.

(Added 1966) (Amended 1984)

Section 5. Minimum Equipment

Applicants must have available sufficient standards and equipment to adequately test devices as set forth in the Notes section of each applicable code in NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." This equipment will meet the specifications of NIST 105-series standards (or other suitable and designated standards). This section shall not preclude the use of additional field standards and/or equipment, as approved by the Director, for uniform evaluation of device performance (see Section 9, Examination and Calibration or Certification of Standards and Testing Equipment).

(Added 1984) (Amended 2005)

Section 6. Certificate of Registration

The Director will review and check the qualifications of each applicant. The Director shall issue to the applicant a "Certificate of Registration," including an assigned registration number if it is determined that the applicant is qualified. The "Certificate of Registration" will expire 1 year from the date of issuance.

(Added 1966) (Amended 1984)

Section 7. Privileges and Responsibilities of a Voluntary Registrant

A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. The registered

serviceperson or service agency is responsible for installing, repairing, and adjusting devices such that the devices are adjusted as closely as practicable to zero error.

(Added 1966) (Amended 1984)

Section 8. Placed in Service Report

The Director shall furnish each registered serviceperson and registered service agency with a supply of report forms to be known as "Placed in Service Reports." Such a form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a registered serviceperson or by a serviceperson representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, shall be forwarded to the Director at 4608 W. 61st Little Rock, Arkansas. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the Registered Serviceperson or Registered Service Agency.

(Added 1966) (Amended 2005)

Section 9. Examination and Calibration or Certification of Standards and Testing Equipment

All field standards that are used for servicing and testing weights and measures devices for which competence is registered shall be submitted to the Director for initial and subsequent verification and calibration at intervals determined by the Director. A registered serviceperson or registered service agency shall not use in servicing commercial weighing or measuring devices any field standards or testing equipment that have not been calibrated or verified by the Director. In lieu of submission of physical standards, the Director may accept calibration and/or verification reports from any laboratory that is formally accredited or recognized. The Director shall maintain a list of organizations from which the state will accept calibration reports. The state shall retain the right to periodically monitor calibration results and/or to verify field standard compliance to specifications and tolerances when field standards are initially placed into service or at any intermediate point between calibrations.

(Added 1966) (Amended 1984, 1999, and 2005)

Section 10. Revocation of Certificate of Registration

The Director is authorized to suspend or revoke a Certificate of Registration for good cause which shall include, but not be limited to: taking of unfair advantage of an owner of a device; failure to have test equipment or standards certified; failure to use adequate testing equipment; or failure to adjust commercial or law enforcement devices to comply with Handbook 44 subsequent to service or repair.

(Added 1966) (Amended 1984)

Section 11. Publication of Lists of Registered Servicepersons and Registered Service Agencies

The Director shall publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicepersons and Registered Service Agencies.

(Added 1966)

Section 12. Effective Date

This regulation shall become effective on August 1, 2016.

(Added 1966)

F. Uniform Regulation for National Type Evaluation

as adopted by
The National Conference on Weights and Measures*

1. Background

The Uniform Regulation for National Type Evaluation was adopted by the NCWM at the 68th Annual Meeting in 1983 and is a necessary adjunct to recognize and enable participation in the National Type Evaluation Program administered by the National Conference on Weights and Measures (NCWM). The Regulation specifically authorizes: type evaluation; recognition of a NCWM "Certificate of Conformance" of type; the State Measurement Laboratory to operate as a Participating Laboratory, if authorized by the National Institute of Standards and Technology (NIST) under its program of recognition of State Measurement Laboratories; and, the state to charge fees to those persons who seek type evaluation of weighing and measuring devices.

(Amended 2000)

At the 81st Annual Meeting in 1996, the NCWM adopted major revisions to the Uniform Regulation for National Type Evaluation. These revisions were made to clarify the requirements and incorporate the policies and guidelines adopted by the Executive Committee as published in NCWM Publication 14, "Technical Policy, Checklists, and Test Procedures."

(Amended 1997)

2. Intent

It is the intent of this regulation to have all states use the National Type Evaluation, as approved by the NCWM, as their examining procedure. If a state does not wish to establish a Participating Laboratory, Section 2.4. Participating Laboratory and Section 4. Participating Laboratory may be deleted.

3. Status of Promulgation

The table beginning on page 10 shows the status of adoption of the Uniform Regulation for National Type Evaluation.

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