

**REVISED PROPOSED REGULATION OF THE
STATE SEALER OF WEIGHTS AND MEASURES**

LCB File No. R126-97

October 16, 1997

EXPLANATION – Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§ 2-6 and 8-13, NRS 581.050; §7, NRS 581.075.

Section 1. Chapter 581 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *The state sealer of weights and measures hereby adopts by reference the National Institute of Standards and Technology 105-Series Handbooks and Training Materials, as those publications exist on the effective date of this regulation, and any subsequent revision to those publications issued by the National Institute of Standards and Technology, which has been approved by the state sealer of weights and measures for use in this state. Each new revision shall be deemed approved by the state sealer of weights and measures unless he disapproves the revision within 60 days after the date of publication by the National Institute of Standards and Technology. The state sealer of weights and measures will review each revision issued after the effective date of this regulation to ensure its suitability for this state. The most current revision that has been approved by the state sealer of weights and measures will be available at the office of Weights and Measures, Division of Agriculture, 2150 Frazer Avenue, Sparks, Nevada 89431, or may be obtained from Office of Weights and Measures, NIST, Building 820, Room 223, Gaithersburg, Maryland 20889, at a price of \$35.*

Sec. 3. *As used in sections 4 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“Service agency” means:*

- 1. A partnership, corporation, limited-liability company or sole proprietorship that employs persons who make repairs or adjustments, for hire, to weighing or measuring devices; and*
- 2. Each branch office of a partnership, corporation, limited-liability company or sole proprietorship that employs a person who makes such repairs or adjustments.*

Sec. 5. *“Service person” means a person who makes any repair or adjustment, for hire, to a weighing or measuring device.*

Sec. 6. *An applicant for a certificate of registration as a service person or a service agency must provide to the state sealer of weights and measures proof that:*

- 1. The applicant has read and understands the provisions of chapter 581 of NRS and this chapter; and*
- 2. The standards used by the applicant to repair or adjust weighing or measuring devices have been certified pursuant to section 8 of this regulation as complying with the provisions set forth in the National Institute of Standards and Technology Handbook 44, which is adopted by reference pursuant to NAC 581.011, and the National Institute of Standards and Technology 105-Series Handbooks and Training Materials which are adopted by reference pursuant to section 2 of this regulation.*

Sec. 7. *1. The fee for the issuance or renewal of a certificate of registration as a service agency is \$50.*

2. *The fee for the issuance or renewal of a certificate of registration as a service person is \$10.*

3. *If a service agency or service person fails to renew the certificate of registration issued to the service agency or service person before it expires, the service agency or service person must, in addition to the fee required pursuant to subsection 1 or 2, pay a late fee equal to 50 percent of the fee otherwise required for the renewal of the certificate.*

Sec. 8. *The standards used by a service agency or service person to repair or adjust a weighing or measuring device must be certified by a laboratory that has been qualified by the National Institute of Standards and Technology to certify such standards or the state sealer of weights and measures according to the following schedule:*

<i>Standards for measuring mass</i>	<i>Every 2 years</i>
<i>Standards for measuring volume.....</i>	<i>Annually</i>
<i>Standards for proving volume</i>	<i>Every 5 years</i>
<i>Any other standards.....</i>	<i>As prescribed by the state</i>
	<i>sealer of weights and</i>
	<i>measures</i>

Sec. 9. 1. *After a service person repairs or adjusts a weighing or measuring device that has been tagged by the state sealer of weights and measures as being in need of repairs, the service person shall remove the tag if the repair or adjustment made by the service person causes the device to comply with the provisions of the National Institute of Standards and Technology Handbook 44, which is adopted by reference pursuant to NAC 581.011.*

2. *If a service person removes a tag pursuant to subsection 1, he shall attach to the weighing or measuring device a security seal that is made of lead wire. The seal must include a unique series of numbers or letters that has been approved by the state sealer of weights and measures for identifying the service person who repaired or adjusted the device.*

3. *The owner of a weighing or measuring device that has been repaired or adjusted pursuant to this section may use the device from the time the repair or adjustment is made until the state sealer of weights and measures conducts the inspection required pursuant to NRS 581.070. The owner may continue to use the device after the inspection is conducted if the state sealer of weights and measures determines that the device complies with the provisions set forth in the National Institute of Standards and Technology Handbook 44.*

Sec. 10. *A person who installs or makes a repair or adjustment to a weighing or measuring device shall:*

1. *Within 24 hours after installing the device or making the repair or adjustment to the device, notify the state sealer of weights and measures by oral communication that the device has been installed or that the repair or adjustment has been made; and*

2. *Within 5 days after installing the device or making the repair or adjustment to the device, submit to the state sealer of weights and measures a written notification of the installation, repair or adjustment on a form prescribed by the state sealer of weights and measures.*

Sec. 11. 1. *A service person who conducts a test of a device that is used to measure liquefied petroleum gas pursuant to NRS 581.104 shall comply with the applicable provisions of the National Institute of Standards and Technology Handbook 44, which is adopted by reference pursuant to NAC 581.011.*

2. *The results of a test of a device that is used to measure liquefied petroleum gas must be recorded on the form prescribed by the state sealer of weights and measures pursuant to NRS 581.104. Two copies of the form must be delivered to office of the state sealer of weights and measures that is located in Sparks, Nevada.*

3. *The state sealer of weights and measures will conduct random tests of devices used to measure liquefied petroleum gas for commercial sale in this state to determine whether the devices tested by service persons comply with the appropriate standards and are properly sealed or marked.*

Sec. 12. *The issuance of a certificate of registration to a service agency or service person shall not be deemed to be a certification by the state sealer of weights and measures of the quality or accuracy of the services provided by the service agency or service person.*

Sec. 13. *If, after providing notice and an opportunity for a hearing pursuant to the provisions of chapter 233B of NRS, the state sealer of weights and measures determines that a service agency or service person has violated the provisions of this chapter, the state sealer of weights and measures may suspend or revoke the certificate of registration issued to that service agency or service person.*