

**ADOPTED REGULATION OF THE
STATE SEALER OF WEIGHTS AND MEASURES**

LCB File No. R084-00

Effective July 1, 2000

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

AUTHORITY: §§1, 5 and 6, NRS 581.050, 581.055; §§2-4 and 12, NRS 581.050; §§7-9, NRS 581.050, 581.055 and 581.075; §10, NRS 581.075; §11, NRS 561.105 and 582.040.

Section 1. Chapter 581 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The state sealer of weights and measures hereby adopts by reference the “Examination Procedure for Price Verification” set forth in the National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations, 2000 edition, and any subsequent revision of that portion of the publication that has been approved by the state sealer of weights and measures for use in this state. Each revision of that portion of the publication shall be deemed approved by the state sealer of weights and measures unless he disapproves of the revision within 60 days after the date of publication of the revision by the National Institute of Standards and Technology.

2. The state sealer of weights and measures will review each revision to ensure its suitability for this state and file a copy of each revision he approves with the secretary of state and the state library and archives administrator. The most recent revision that has been approved by the state sealer of weights and measures will be available for inspection at the office of the Bureau of Weights and Measures, Division of Measurement Standards, 2150

Frazer Avenue, Sparks, Nevada 89431, or may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, for the price of \$22.

3. A violation of any provision of that portion of the publication adopted by reference in subsection 1 shall be deemed a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;*
- (b) For the second violation, an administrative fine of \$50; and*
- (c) For the third and each subsequent violation, an administrative fine of \$100.*

Sec. 2. NAC 581.005 is hereby amended to read as follows:

581.005 As used in this chapter, unless the context otherwise requires, ~~["division"]~~ *"department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

Sec. 3. NAC 581.007 is hereby amended to read as follows:

581.007 1. If the ~~[division]~~ *department* determines that a person unintentionally violated a provision of chapter 581 of NRS or this chapter, the ~~[division]~~ *department* may issue a notice of warning to that person without imposing an administrative fine.

2. A notice of warning issued by the ~~[division]~~ *department* must be in writing and ~~[must]~~ set forth:

- (a) The statute or regulation that was violated;
- (b) The action necessary to remedy the violation; and
- (c) The time by which the person must remedy the violation to avoid the imposition of an administrative fine.

Sec. 4. NAC 581.009 is hereby amended to read as follows:

581.009 **1.** 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~~ *existed* on June 23, 1998, 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.

2. The state sealer of weights and measures will review each revision issued after June 23, 1998, to ensure its suitability for this state ~~[The most current]~~ *and file a copy of each revision he approves with the secretary of state and the state library and archives administrator. The most recent* revision that has been approved by the state sealer of weights and measures will be available *for inspection* at the office of *the Bureau of* Weights and Measures, Division of ~~[Agriculture,]~~ *Measurement Standards*, 2150 Frazer Avenue, Sparks, Nevada 89431, or may be obtained from the Office of Weights and Measures, NIST, Building 820, Room 223, Gaithersburg, Maryland 20889, ~~[at a]~~ *for the* price of \$35.

Sec. 5. NAC 581.011 is hereby amended to read as follows:

581.011 **1.** The state sealer of weights and measures hereby adopts by reference the National Institute of Standards and Technology Handbook 44, ~~[1994]~~ *2000* edition, and any subsequent edition 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 edition shall be deemed approved by the state sealer of weights and measures unless he disapproves the

edition within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The state sealer of weights and measures will review each edition issued after the ~~[1994]~~ 2000 edition to ensure its suitability for *use in* this state ~~[.The most current]~~ *and file a copy of each* edition *he approves with the secretary of state and the state library and archives administrator. The most recent edition* that has been approved by the state sealer of weights and measures will be available *for inspection* at the office of *the Bureau of* Weights and Measures, Division of ~~[Agriculture,]~~ *Measurement Standards*, 2150 Frazer ~~[Street,]~~ *Avenue*, Sparks, Nevada 89431, or may be purchased from the Superintendent of Documents, United States Government Printing Office, ~~[P.O. Box 371954, Pittsburgh, Pennsylvania 15250 7954,]~~ *Washington, D.C. 20402*, for the price of ~~[\$23. —2.]~~ *\$29.*

3. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;
- (b) For the second violation, an administrative fine of \$50; and
- (c) For the third and each subsequent violation, an administrative fine of \$100.

Sec. 6. NAC 581.050 is hereby amended to read as follows:

581.050 1. The National Institute of Standards and Technology Handbook 133 is hereby adopted by reference as the official procedure for the methods of checking the net contents of packaged commodities for compliance with respect to net weight, count or measure. ~~[This]~~ *The* publication, including supplements, is available for inspection at the office of *the Bureau of* Weights and Measures, Division of ~~[Agriculture,]~~ *Measurement Standards*, 2150 Frazer

~~[Street,]~~ *Avenue*, Sparks, Nevada 89431, or may be purchased from the National Conference on Weights and Measures ~~[, P.O. Box 4025, Gaithersburg, Maryland 20885,]~~ *Headquarters Office, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850*, for the price of \$26.

2. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;
- (b) For the second violation, an administrative fine of \$50; and
- (c) For the third and each subsequent violation, an administrative fine of \$100.

Sec. 7. NAC 581.200 is hereby amended to read as follows:

581.200 1. The following are tests and services for which fees will be charged:

- (a) An annual test of a commercial device.
- (b) A retest of a device which was marked “out of order” during a test.
- (c) A trip to test a device which was not available or ready for testing at the time scheduled for a test.
- (d) A test requested for a device if a special trip is required to perform the test. If, upon the arrival of the weights and measures, the test scheduled for the device cannot be performed for any reason which is not the fault of the ~~[division,]~~ *department*, any fee which would have been charged for that test remains due.
- (e) A test requested for a noncommercial device.
- (f) A calibration according to industrial standards of weights and measures.
- (g) An adjustment of a commercial device immediately following a determination of noncompliance during an annual test.

2. A special test fee will be charged pursuant to NAC 581.210 and 581.220 for a commercial device for which an annual fee has not been paid by the annual inspection date.

3. The fees for annual tests of devices are : ~~as follows:~~

(a) For scale devices:

500 pounds and under.....	\$11
Over 500 pounds through 2,000 pounds	[29] 30
Over 2,000 pounds through 5,000 pounds	[65] 80
Over 5,000 pounds	[80] 140
Hopper, 5,000 pounds and under.....	[110] 200
Hopper, over 5,000 pounds	[150] 250
Livestock or vehicle scale, 40,000 pounds and under	[45] 100
Livestock or vehicle scale, over 40,000 pounds.....	[100] 150

(b) For linear devices

	[12] 15
--	--------------------

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....	[9] 10
Dispenser tested with a prover larger than 5 gallons.....	[60] 75
Truck- or rack-mounted meter, rated to a maximum capacity of up to <i>not more than</i> 120 gallons per minute	[60] 75
Truck- or rack-mounted meter, rated to a maximum capacity of over <i>more than</i> 120 gallons per minute.....	[90] 140
Nontemperature-compensated meter used to measure liquid petroleum gas	[60] 75
Temperature-compensated meter used to measure liquid petroleum gas.....	[90] 150

4. Failure to pay a fee required pursuant to this section within 30 days after receipt of the bill for the fee is a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;
- (b) For the second violation, an administrative fine of \$50; and
- (c) For the third and each subsequent violation, an administrative fine of \$100.

Sec. 8. NAC 581.210 is hereby amended to read as follows:

581.210 1. The fees for tests of devices other than the annual tests are : ~~as follows:~~

(a) For scale devices:

500 pounds and under	16 25
Over 500 pounds through 2,000 pounds	35 50
Over 2,000 pounds through 5,000 pounds	85 100
Over 5,000 pounds	117 160
Hopper, 5,000 pounds and under	135 300
Hopper, over 5,000 pounds.....	195 350
Livestock or vehicle scale, 40,000 pounds and under	130
Livestock or vehicle scale, over 40,000 pounds	160 200

(b) For linear devices

~~12~~ 25

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover	17 25
Dispenser tested with a prover larger than 5 gallons	80 95
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute	80 95

Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute	[130] 160
Nontemperature-compensated meter used to measure liquid petroleum gas.....	[80] 100
Temperature-compensated meter used to measure liquid petroleum gas	[130] 200
(d) For standards of mass, volume or length, per hour	[20]
<i>For certification of standards for use in testing a commercial device for a service agency or service person.....</i>	
	<i>40</i>
<i>For certification of standards for use in testing a noncommercial device</i>	
	<i>80</i>

2. Failure to pay a fee required pursuant to this section within 30 days after receipt of the bill for the fee is a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;
- (b) For the second violation, an administrative fine of \$50; and
- (c) For the third and each subsequent violation, an administrative fine of \$100.

Sec. 9. NAC 581.220 is hereby amended to read as follows:

NAC 581.220 1. In addition to the fees prescribed in NAC 581.210, the following fees will be charged for a special test except as otherwise provided in this section:

- (a) For each hour for testing a device above the time normally required to perform that test..... ~~[\$20.00]~~ *40*
- (b) For each hour for witnessing the test of a device that is not conducted by the ~~division..... 20.00]~~
department..... 40

- (c) For mileage, per mile for:

Pickup truck	[0.40] 1
Livestock test truck	[0.50] 2
Petroleum prover truck.....	[0.50] 2
Motor truck and hopper test truck.....	[1.00] 3
(d) For each hour of required travel of the inspector, in addition to the fees specified in paragraph (c)	[20.00] 40
(e) For the per diem of the inspector, the amounts [currently] allowed by law for state employees, under conditions set by the [division.] <i>department</i> .	

2. The fees for mileage, travel and per diem will be prorated among persons requiring tests of devices in the same area if all the devices can be tested during the same trip.

3. Only the fee prescribed by NAC 581.210 for a test of a device will be charged if:

- (a) The test can be made during a scheduled trip for inspections in the vicinity; or
- (b) The site of the test is within a minimal distance from the base of the inspector or within the same metropolitan area.

4. The amount of charges for:

- (a) The testing of devices or standards not listed on the schedule of fees;
- (b) Testing of standards from out of state; or
- (c) Testing which requires special arrangements or conditions,

FLUSH will be determined by agreement between the state sealer of weights and measures and the owner or operator of the device or standard to be tested.

5. Failure to pay a fee required pursuant to this section within 30 days after receipt of the bill for the fee is a violation of this section, and the state sealer of weights and measures will impose:

- (a) For the first violation, an administrative fine of \$25;
- (b) For the second violation, an administrative fine of \$50; and
- (c) For the third and each subsequent violation, an administrative fine of \$100.

Sec. 10. NAC 581.340 is hereby amended to read as follows:

581.340 1. The fee for the issuance or renewal of a certificate of registration as a service agency is ~~[\$50.]~~ *\$100.*

2. The fee for the issuance or renewal of a certificate of registration as a service person is ~~[\$10.]~~ *\$20.*

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. 11. Chapter 582 of NAC is hereby amended by adding thereto a new section to read as follows:

The fee for:

1. The issuance of a certificate of appointment as a public weighmaster pursuant to NRS 582.040 is \$120.

2. The annual renewal of a certificate of appointment as a public weighmaster issued pursuant to NRS 582.040 is \$100.

Sec. 12. This regulation becomes effective on July 1, 2000.

NOTICE OF ADOPTION

The amendments have been adopted by the Nevada Board of Agriculture during the meeting in Las Vegas on April 20, 2000. The schedules applied are in accord with the funding policies for each of the Department of Agriculture programs.

INFORMATIONAL STATEMENT

INFORMATIONAL STATEMENT FOR LCB FILE NO. R084-00

1. Public workshops were held on March 15th, in the Department of Agriculture office, 2300 McLeod, Las Vegas, and on March 16th in the Department of Agriculture office, 350 Capitol Hill, Reno.

Public hearings were held on March 30th, in the Department of Agriculture office, 2300 McLeod, Las Vegas, and on March 31st, in the Department of Agriculture office, 350 Capitol Hill, Reno.

Notice of workshops and hearings were posted in all six Department of Agriculture offices, the Nevada State Library in Carson City, and all Nevada county libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill, Reno, or calling (775)688-1180, or other department locations.

2. Workshops in Las Vegas, Reno:

Attendance,	0
Written statements received,	0

Hearings in Las Vegas, Reno

Attendance	1 (Reno)
Written statements received,	0

3. Comments were received from a business representative during the hearing in Reno. In behalf of the associations he represents, agreed the fee schedule increase should be addressed.

4. Economic effects of the adopted amendments:

A. Adverse effects, None

B. Beneficial effects, The fair assessment of license and testing fees to each of the industries regulated.

- C. Immediate and long term effects, The adverse and beneficial effects are the same as the immediate and long term effects.
- D. Economic cost to the agency There will be no additional cost to the agency to enforce.
- E. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
- F. The amendments adopted do not include any provisions more stringent than any federal regulation involved in the same activities.

The amendments have been adopted by the Nevada Board of Agriculture during the meeting in Las Vegas on April 20, 2000. The schedules applied are in accord with the funding policies for each of the Department of Agriculture programs.