

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

**LCB File No. R161-03**

Effective January 27, 2004

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

AUTHORITY: §§1-10 and 14-18, NRS 581.050 and 581.067; §§11-13, NRS 581.050, 581.067 and 581.075.

**Section 1.** Chapter 581 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *A person shall not use any weighing or measuring device as commercial weighing and measuring equipment unless the Division has issued a license for that device pursuant to sections 3 and 4 of this regulation.*

**Sec. 3. 1.** *To obtain a license to use a weighing or measuring device as commercial weighing and measuring equipment, an applicant must provide to the Division information concerning the device, including:*

- (a) The date on which the device was purchased or installed;*
- (b) The manufacturer and model or type of the device;*
- (c) The address where the device is located; and*
- (d) The name of the person who installed the device.*

**2.** *Except as otherwise provided in this section, upon receiving the information pursuant to subsection 1 about a weighing or measuring device, the Division will, as soon as practicable, inspect the device. If the Division determines that the device meets all the*

*applicable standards and the applicant has paid the applicable fees, the Division will issue a license for the device to be used as commercial weighing and measuring equipment.*

*3. The Division may waive the initial inspection of a weighing or measuring device required pursuant to subsection 2 if the Division determines that the device was adjusted after installation by a person who is registered with the Division pursuant to NRS 581.103 to adjust such a device. If the Division waives the initial test, the Division will:*

*(a) Immediately issue a license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and*

*(b) As soon as practicable thereafter, inspect the device to ensure that it meets all the applicable standards.*

*4. If a weighing or measuring device fails an inspection conducted pursuant to subsection 3, the Division will immediately suspend the license issued for the device. If, during the period for which the license was issued, the device:*

*(a) Passes an inspection conducted by the Division, the Division will reinstate the license.*

*(b) Fails to pass an inspection conducted by the Division, the Division may revoke the license.*

*5. A license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment is valid from October 1st or the date on which it is issued, whichever is later, until the next following September 30th.*

*6. If a weighing or measuring device used as commercial weighing and measuring equipment was approved by the Department for use on or after July 1, 2003, but before January 27, 2004, a license shall be deemed to have been issued for the device by the Division*

*pursuant to this section, effective on the date on which the device was approved for commercial use.*

**Sec. 4. 1.** *On or before August 1 of each year, the Division will send a notice of renewal for each license then in force that has been issued by the Division for a weighing or measuring device to be used as commercial weighing and measuring equipment. If a license that is suspended as of the date the Division sends the notices of renewal is subsequently reinstated, the Division will, at the time of the reinstatement of the license, provide a notice of renewal to the holder of the license.*

*2. The notice of renewal must include the amount of the renewal fee which must be paid on or before September 30 of that year. If the renewal fee is paid timely, the Division will:*

*(a) Renew the license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and*

*(b) As soon as practicable thereafter, inspect the device to ensure that the device continues to meet all the applicable standards.*

*3. If, at the inspection conducted pursuant to subsection 2, a weighing and measuring device fails to meet the applicable standards, the Division will immediately suspend the license issued for the device to be used as commercial weighing and measuring equipment. If, during the period for which the renewal was issued, the device:*

*(a) Passes an inspection conducted by the Division, the Division will reinstate the license.*

*(b) Fails to pass an inspection conducted by the Division, the Division may revoke the license.*

**Sec. 5.** *The license issued for a weighing or measuring device used as commercial weighing and measuring equipment pursuant to sections 3 and 4 of this regulation must be publicly displayed at the business location where the device is located.*

**Sec. 6.** NAC 581.005 is hereby amended to read as follows:

581.005 As used in this chapter, unless the context otherwise requires ~~[, “department”]~~:

**1.** *“Department”* means the State Department of Agriculture.

**2.** *“Division”* means the Division of Measurement Standards of the Department.

**Sec. 7.** 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 existed on ~~[June 23, 1998,]~~ *January 1, 2003*, 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,]~~ *January 1, 2003*, 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 obtained *free of charge* from the ~~[Office of]~~ Weights and Measures ~~[, NIST, Building 820, Room 223,]~~ *Division*,

*NIST, 100 Bureau Drive, STOP 2600*, Gaithersburg, Maryland ~~[20889, for the price of \$35.]~~  
*20899-2600, or at <<http://ts.nist.gov>>.*

**Sec. 8.** 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*, ~~[2000]~~ **2003** 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 ~~[2000]~~ **2003** edition to ensure its suitability for use in this state 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 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 ~~[\$29.]~~ **\$40.**

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.]~~ **chapter.**

**Sec. 9.** NAC 581.030 is hereby amended to read as follows:

581.030 1. The State Sealer of Weights and Measures hereby adopts by reference ~~the~~ :

(a) *The “Examination Procedure for Price ~~Verification~~ Verification;”*

(b) *The “Uniform Packaging and Labeling Regulation;”*

(c) *The “Uniform Regulation for the Method of Sale of Commodities;”*

(d) *The “Uniform Unit Pricing Regulation;”*

(e) *Sections 2 to 11, inclusive, of the “Uniform Regulation of Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices;”*

(f) *The “Uniform Open Dating Regulation;” and*

(g) *The “Uniform Regulation for National Type Evaluation,”*

↪ *as* set forth in the National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations, ~~2000~~ 2003 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.]~~  
**\$31.50.**

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.]~~ **chapter.**

**Sec. 10.** 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. The publication, including supplements, is 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 ~~[National Conference on Weights and Measures Headquarters Office, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850,]~~  
**Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402,** for the price of ~~[\$26.]~~ **\$15.**

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.]~~ **chapter.**

Sec. 11. 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 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] The fee for the annual [tests of devices are:] licensing of a device is:~~

(a) For scale devices:

500 pounds and under	\$11
Over 500 pounds through 2,000 pounds	30
Over 2,000 pounds through 5,000 pounds	80
Over 5,000 pounds	140
Hopper, 5,000 pounds and under	200



Hopper, over 5,000 pounds	250
Livestock or vehicle scale, 40,000 pounds and under	100
Livestock or vehicle scale, over 40,000 pounds	150
(b) For linear devices	15
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon prover	10
Dispenser tested with a prover larger than 5 gallons	75
Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute	75
Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute	140
Nontemperature-compensated meter used to measure liquid petroleum gas	75
Temperature-compensated meter used to measure liquid petroleum gas	150

~~[4.]~~ **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.]~~ ***Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 50 percent of the amount of the fee that is paid late.***

**Sec. 12.** NAC 581.210 is hereby amended to read as follows:

581.210 1. *The tests and services for which fees will be charged pursuant to this section include, without limitation:*

*(a) A retest of a device which was marked “out of order” during a test.*

*(b) A trip to test a device which was not available or ready for testing at the time scheduled for a test.*

*(c) A test requested for a device if a special trip is required to perform the test. If, upon the arrival of the inspector, the test scheduled for the device cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that test remains due.*

*(d) A test requested for a noncommercial device.*

*(e) A calibration according to industrial standards of weights and measures.*

*(f) An adjustment of a commercial device immediately following a determination of noncompliance during an annual test.*

2. The fees for tests of devices ~~[other than the annual tests]~~ are:

(a) For scale devices:

500 pounds and under	\$25
Over 500 pounds through 2,000 pounds	50
Over 2,000 pounds through 5,000 pounds	100
Over 5,000 pounds	160
Hopper, 5,000 pounds and under	300
Hopper, over 5,000 pounds	350
Livestock or vehicle scale, 40,000 pounds and under	130
Livestock or vehicle scale, over 40,000 pounds	200

(b) For linear devices	25
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon prover	25
Dispenser tested with a prover larger than 5 gallons	95
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute	95
Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute	160
Nontemperature-compensated meter used to measure liquid petroleum gas	100
Temperature-compensated meter used to measure liquid petroleum gas	200
(d) For standards of mass, volume or length, per hour:	
For certification of standards for use in testing a commercial device for a service agency or service person	40
For certification of standards for use in testing a noncommercial device	80

~~[2.]~~ **3.** 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. 13.** NAC 581.220 is hereby amended to read as follows:

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 \$40

(b) For each hour for witnessing the test of a device that is not conducted by the ~~Department~~ *Division* 40

(c) For mileage, per mile for:

Pickup truck 1

Livestock test truck 2

Petroleum prover truck 2

Motor truck and hopper test truck 3

(d) For each hour of required travel of the inspector, in addition to the fees specified in paragraph (c) 40

(e) For the per diem of the inspector, the amounts allowed by law for state employees, under conditions set by the ~~Department~~ *Division*.

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,

↳ 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. 14.** NAC 581.230 is hereby amended to read as follows:

581.230 1. Except as otherwise provided in subsection 2, before use for a commercial or governmental purpose, a type of:

(a) Weighing or measuring device kept or used in:

(1) Proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, which are purchased, offered or submitted for sale, hire or award;

(2) Computing a basic charge or payment for services rendered on the basis of weight and measure; or

(3) Determining weight or measure when a charge is made for the determination;

(b) Accessory attached to or used in connection with a commercial weighing or measuring device which is designed so that its operation affects the accuracy of the device; and

(c) Weighing and measuring device in official use for law enforcement or the collection of statistical information by a governmental agency,

↳ must have been issued a certificate of conformance.

2. The State Sealer of Weights and Measures will authorize the use of a type which has not been issued a certificate of conformance if the type:

(a) Was in use before January 2, 1995; and

(b) ~~[Passes]~~ *Subsequently passes the applicable* tests for tolerance . ~~[or, if it fails these tests, has been repaired subsequently, as required by NRS 581.090.~~

~~—3. For a violation of this section, 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.~~

~~—4.]~~ 3. As used in this section:

(a) “Certificate of conformance” means a document issued by the National Institute of Standards and Technology of the Technology Administration of the United States Department of Commerce, which guarantees that a weight, measure or weighing or measuring device meets the standards set forth in the *National Institute of Standards and Technology Handbook 44*.

(b) “Type” means a model of a particular system of measurement, instrument or element or a field standard which positively identifies the design.

**Sec. 15.** NAC 581.260 is hereby amended to read as follows:

581.260 ~~[For a violation of NRS 581.430, the State Sealer of Weights and Measures will impose:~~

~~—1. For the~~ *Violations of the provisions of this chapter or chapter 581 of NRS are subject to the following:*

1. *Except as otherwise provided in subsection 2, for a first violation, ~~[an administrative fine of \$100;~~*

~~—2. For the~~ *the Division will impose a civil penalty of not less than \$25 and not more than \$100.*

2. *If the Division determines that a first violation was unintentional, the Division will issue a notice of warning to the person who committed the violation, without imposing a civil penalty. The notice of warning must be in writing and 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 a civil penalty. Failure to remedy the violation by the time set forth in the notice constitutes a second violation.*

3. *For a second violation, ~~[an administrative fine]~~ the Division will impose a civil penalty of not less than \$50 and not more than \$500 . ~~[-; and~~*

~~—3. For the third and each~~

4. *For a third or subsequent violation, ~~[an administrative fine]~~ the Division will impose a civil penalty of not less than \$100 and not more than \$1,000.*

**Sec. 16.** NAC 581.330 is hereby amended to read as follows:

581.330 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 NAC 581.350 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 NAC 581.009 ~~;~~ *and*

3. *The applicant has sufficient standards and equipment to test devices adequately as set forth in the notes section of each applicable code in the National Institute of Standards and Technology Handbook 44.*

**Sec. 17.** NAC 581.360 is hereby amended to read as follows:

581.360 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.~~ *prevents tampering with the calibration components.* 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 *required* 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. 18.** NAC 581.007, 581.100, 581.240, 581.250 and 581.380 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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### **581.007 Issuance of notice of warning for unintentional violation. (NRS 581.050)**

1. If the Department determines that a person unintentionally violated a provision of chapter 581 of NRS or this chapter, the Department may issue a notice of warning to that person without imposing an administrative fine.

2. A notice of warning issued by the Department must be in writing and 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.

**581.100 Commodity price advertising with dual quantity statements; administrative fine. (NRS 581.055)**

1. In advertising the price of packaged commodities labeled with a dual quantity statement, the smaller unit of weight or measure indicated on the commodity package dual quantity label or the complete dual quantity statement may be used in conjunction with the commodity price advertisement.

2. Examples of dual quantity package labels are as follows:

NET WEIGHT 24 oz. (1 lb. 8 oz.)

NET CONTENTS 32 fl. oz. (1 quart)

3. The designation of commodity quantities associated with the commodity price advertising may be expressed in one of two manners, as follows:

(a) The complete dual quantity declaration as expressed on a package label; or

(b) The smaller unit of weight or measures indicated on the commodity package dual quantity label.

4. For a violation of this section, 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.

**581.240 Administrative fine: Violation of certain sections of chapter 581 of NRS or certain provisions of NRS 581.370, 581.380 or 581.405. (NRS 581.055)** For a violation of NRS 581.105, 581.190, 581.300, 581.303, 581.307, 581.320, 581.330, 581.340, subsection 1 or 2 of NRS 581.370, subsection 1 or 2 of NRS 581.380, NRS 581.390 or 581.400, subsection 2 of NRS 581.405, NRS 581.410 or 581.420, the State Sealer of Weights and Measures will impose:

1. For the first violation, an administrative fine of \$25;

2. For the second violation, an administrative fine of \$50; and

3. For the third and each subsequent violation, an administrative fine of \$100.

**581.250 Administrative fine: Violation of NRS 581.280 or certain provisions of NRS 581.090, 581.103 or 581.104. (NRS 581.055)** For a violation of subsection 2 or 4 of NRS 581.090, subsection 4 or 5 of NRS 581.103, subsection 3 of NRS 581.104 or NRS 581.280, the State Sealer of Weights and Measures will impose:

1. For the first violation, an administrative fine of \$50;
2. For the second violation, an administrative fine of \$100; and
3. For the third and each subsequent violation, an administrative fine of \$500.

**581.380 Testing of device used to measure liquefied petroleum gas. (NRS 581.050)**

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 the 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R161-03**

On December 10,2003, the Nevada Board of Agriculture adopted regulations assigned LCB file number R161-03 which pertain to chapter 581 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

**Notice date:** 10/2003

**Date of adoption by agency:** 12/10/2003

**Hearing date:** 11/17/2003

**Filing date:** 1/27/2004

**INFORMATIONAL STATEMENT**

1. A public workshop was held on November 14, 2003, in Las Vegas, Nevada, at the Nevada Department of Agriculture Office, 2300 McLeod, and November 17, 2003, in the Division of Measurement Standards office, 2150 Frazer Avenue, Sparks.
2. A public hearing was held on November 14, 2003, in Las Vegas, Nevada, at the Nevada Department of Agriculture Office, 2300 McLeod, and November 17, 2003, in the Division of Measurement Standards office, 2150 Frazer Avenue, Sparks.

Notice of workshop and notice of hearing was posted; at all six Department offices, the Nevada State Library, in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture, Division of Measurement Standards by writing to 2150 Frazer Avenue, Sparks, Nevada, 89431, calling (775) 688-1166, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by fax or e-mail.

3. Workshop held November 14, 2003 – Las Vegas  
Number attended: 0  
Number testified: 0  
No written statements were submitted: 0  
Summary of comments: Steven Grabski and Kevin Coyne reviewed the draft and found no changes required.
4. Hearing held November 14, 2003 – Las Vegas  
Number attending: 0  
Number testifying: 0  
Number of written statements submitted: 0
5. Workshop held November 17, 2003 – Sparks  
Number attended: 0  
Number testified: 0  
No written statements were submitted: 0  
Summary of comments: none

6. Hearing held November 17, 2003 – Sparks

Number attending:	0
Number testifying:	0
Number of written statements submitted:	0

7. Comments were solicited from businesses and the public, by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Division of Measurement Standards office, (775) 688-1166.

The Nevada Board of Agriculture adopted the amendments without changes.

8. The economic effects of the adopted amendments on the businesses that it is to regulate include:

a. Adverse effects:

None

b. Beneficial effects:

Intrastate and interstate commerce will be better served with regulations that are more uniform with national recommendations.

c. Immediate and long-term economic effects:

The adverse and beneficial effects are the same for immediate and long-term.

9. Economic effects of the proposed amendments on the public include:

a. Adverse effects:

None

b. Beneficial effects:

The public will purchase goods that are more uniformly regulated and labeling that is consistent with national standards.

c. Immediate and long-term economic effects:

The adverse and beneficial effects are the same for the immediate and long-term.

10. Economic cost to the agency for the enforcement of the regulation:

There will not be any additional cost to the agency to enforce the amendments adopted.

11. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.

12. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.

13. This regulation does not establish or increase any fees.