

LCB File No. R161-03

**PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE**

**NOTICE OF WORKSHOP
(Las Vegas)**

A workshop will be held on proposed amendments to NAC 581 and NAC 582, pertaining to pertaining to the general provisions of weights and measures and to public weighmasters.

DATE: November 14, 2003

TIME: 11:00 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

For clarification on the proposed amendments contact Steven Grabski at (775) 688-1166.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture, Division of Measurement Standards offices in Reno, Sparks, Elko, Winnemucca, and Las Vegas during the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture Division of Measurement Standards 2150 Frazer Ave Sparks, NV 89431	Nevada Department of Agriculture 350 Capitol Hill Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 1351 Elm St Elko, NV 89801	Nevada Department of Agriculture 1550 S. Wells Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 2300 McLeod Las Vegas, NV 89104	Nevada Department of Agriculture 1200 E. Winnemucca Blvd Winnemucca, NV 89445

LCB File No. R161-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF HEARING AND
NOTICE OF INTENT TO ADOPT REGULATIONS
(Las Vegas)

Proposed amendments to NAC 581 and NAC 582 pertaining to the general provisions of weights and measures and to public weighmasters.

Need and purpose of the proposed amendments:

The needs of the amendments are to make the NAC compatible to the newly revised NRS 581 and 582. The amendments will adopt measurement standards recommended by the National Institute of Standards and Technology, provide for the licensure of commercial devices and public weighmasters; provide for the establishment of certain fees; establish civil penalties for certain violations.

Economic effect of these proposed amendments on the businesses that it is to regulate:

None, test fee is replaced with license fee

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: November 14, 2003
TIME: 1:00 P.M.
PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

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Note: We will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, call Steven Grabski at the Division of Measurement Standards (775) 688-1166 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Council; agency’s reasons for adoption.

Upon adoption of any regulations, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principle reasons for or against adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Don Henderson, Acting Director

Date

LCB File No. R161-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF WORKSHOP
(Sparks)

A workshop will be held on proposed amendments to NAC 581 and NAC 582, pertaining to pertaining to the general provisions of weights and measures and to public weighmasters.

DATE: November 17, 2003

TIME: 9:00 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2150 Frazer Ave
Sparks, NV 89431

For clarification on the proposed amendments contact Steven Grabski at (775) 688-1166.

Addresses at which the text of the proposed regulations may be inspected and copied:

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LCB File No. R161-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF HEARING AND
NOTICE OF INTENT TO ADOPT REGULATIONS
(Sparks)

Proposed amendments to NAC 581 and NAC 582 pertaining to the general provisions of weights and measures and to public weighmasters.

Need and purpose of the proposed amendments:

The needs of the amendments are to make the NAC compatible to the newly revised NRS 581 and 582. The amendments will adopt measurement standards recommended by the National Institute of Standards and Technology, provide for the licensure of commercial devices and public weighmasters; provide for the establishment of certain fees; establish civil penalties for certain violations.

Economic effect of these proposed amendments on the businesses that it is to regulate:

None, test fee is replaced with license fee

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: November 17, 2003
TIME: 10:00 A.M.
PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2150 Frazer Ave
Sparks, NV 89431

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

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Note: We will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, call Steven Grabski at the Division of Measurement Standards (775) 688-1166 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Council; agency's reasons for adoption.

Upon adoption of any regulations, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principle reasons for or against adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Don Henderson, Acting Director

Date

LCB File No. R161-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

CHAPTER 581 - WEIGHTS AND MEASURES

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GENERAL PROVISIONS

NAC 581.005 “Department” defined. ([NRS 581.050](#)) As used in this chapter, unless the context otherwise requires, “department” means the state department of agriculture.

Sec. 1 *Division defined.* *As used in this chapter, unless the context otherwise requires, “division” means the division of measurement standards of the state department of agriculture.*

ADMINISTRATION

NAC 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 a ~~an~~ *civil penalty* ~~[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 a ~~an~~ *civil penalty* ~~[administrative fine]~~.

NAC 581.009 Adoption by reference of National Institute of Standards and Technology 105-Series Handbooks and Training Materials. ([NRS 581.050](#))

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, 2003 ~~[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, 2003 ~~[1998]~~, 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 from the Office of Weights and Measures, NIST, Building 820, Room 223, Gaithersburg, Maryland 20889, for the price of \$35.

NAC 581.011 Adoption by reference of *National Institute of Standards and Technology Handbook 44*; ~~[administrative fine]~~. ([NRS 581.050](#), [581.055](#))

1. The state sealer of weights and measures hereby adopts by reference the *National Institute of Standards and Technology Handbook 44*, 2003 ~~[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 ~~2003~~ ~~[2000]~~ 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.

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.]~~

NAC 581.030 Adoption by reference of *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*; ~~[administrative fine]~~. (NRS 581.050, 581.055)

1. The state sealer of weights and measures hereby adopts by reference the “Examination Procedure for Price Verification”, “*Packaging and Labeling Regulation*”, “*Method of Sale Regulation*”, “*Unit Pricing Regulation*”, “*Voluntary Registration Regulation*” sections 2 through 11, “*Open Dating Regulation*”, and “*National Type Evaluation Regulation*” 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]~~.

3. A violation of any provision of that portion of the publications 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.]~~

NAC 581.050 Adoption by reference of *National Institute of Standards and Technology Handbook 133*; ~~[administrative fine]~~-(NRS 581.050, 581.055)

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~~[, 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.]~~

~~[NAC 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.]~~

NAC 581.200 Weighing and measuring devices: *License, tests and services for which fees will be charged; fees for tests; [administrative fine]. (NRS 581.050, 581.055, 581.075)*

1. The ~~[following are tests and services]~~ *fee schedule in subsection 3 is for the annual licensing of each commercial weighing and measuring device [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 license fee has not been paid by the annual inspection license due date.]~~

3. The ~~fees~~ *fee* for annual *licensing* ~~tests~~ of *each* ~~devices~~ *device* ~~are~~ *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. 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 late fee of 50% for each device that is not paid, and any may impose civil penalties as described in NAC 581.260.*

- ~~(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].~~

NAC 581.210 Weighing and measuring devices: Fees for tests other than annual *license* ~~tests; administrative fine~~. (NRS 581.050, 581.055, 581.075)

1. The fees for tests of devices other than the annual *license* ~~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. 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 *civil penalties as described in NAC 581.260.*

- ~~[(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.]~~

NAC 581.220 Weighing and measuring devices: Additional fees for special tests; ~~[administrative fine]~~. ([NRS 581.050](#), [581.055](#), [581.075](#))

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..... 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.

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 *civil penalties as described in NAC 581.260*:

- ~~[(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.]~~

NAC 581.230 Weighing and measuring devices: Certificate of conformance required for certain use of types of devices or accessories; exceptions; *civil penalty* ~~[administrative fine]~~; (NRS 581.055)

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 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. 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.

~~[NAC 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.]~~

~~[NAC 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.]~~

NAC 581.260 Civil Penalty ~~[Administrative fine]:~~ **Violation of NRS 581.430. (NRS 581.055]subsection 9 of section 14 of SB 485)** For ~~[a]~~ **each occurrence of a** violation of NRS 581.430], the state sealer of weights and measures will impose:

1. For the first violation, a ~~[n]~~ **Civil Penalty** ~~[administrative fine]~~ of ***\$25 minimum up to \$100; or for a first time unintentional offender, a warning letter;***
2. For the second violation, a ~~[n]~~ **civil penalty** ~~[administrative fine]~~ of ***\$50 minimum up to \$500; and***
3. For the third and each subsequent violation, a ~~[n]~~ **civil penalty** ~~[administrative fine]~~ of ***\$100 minimum up to \$1,000.***

INSTALLATION, REPAIR AND ADJUSTMENT OF WEIGHING AND MEASURING DEVICES

NAC 581.300 Definitions. (NRS 581.050) As used in [NAC 581.300](#) to [581.400](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 581.310](#) and [581.320](#) have the meanings ascribed to them in those sections.

(Added to NAC by St. Sealer of Weights & Measures by R126-97, eff. 6-23-98)

NAC 581.310 “Service agency” defined. (NRS 581.050) “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.

NAC 581.320 “Service person” defined. (NRS 581.050) “Service person” means a person who makes any repair or adjustment, for hire, to a weighing or measuring device.

NAC 581.330 Requirements for certificate of registration. ([NRS 581.050](#)) 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](#).

3. *The applicant must have 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”.*

NAC 581.340 Fees for issuance or renewal of certificate of registration; late fee. ([NRS 581.075](#))

1. The fee for the issuance or renewal of a certificate of registration as a service agency is \$100.

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

NAC 581.350 Schedule for certification of standards. ([NRS 581.050](#)) 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:

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

NAC 581.360 Repair or adjustment of device: Removal of tag; attachment of security seal; use of device. ([NRS 581.050](#))

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 *prevents tampering with the calibration components* ~~[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*.

NAC 581.370 Duties of repairman. ([NRS 581.050](#)) 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.

~~[NAC 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.]~~

NAC 581.390 Certificate of registration not deemed certification of quality or accuracy of services. ([NRS 581.050](#)) 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.

NAC 581.400 Suspension or revocation of certificate of registration. ([NRS 581.050](#)) 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.

Section 2

Display of license.

The license issued for a commercial weighing and measuring device must be publicly displayed at the business location of the device.

LCB File No. R161-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: Temporary amendments to NAC 581 and 582

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.

4. The estimated cost to the agency for enforcement of the proposed regulation.

5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

6. If the proposed regulation includes provisions that duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.