

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

**LCB File No. R162-03**

Effective January 27, 2004

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

AUTHORITY: §§1-7, Section 41 of Senate Bill No. 485 of the 72nd Session of the Nevada Legislature, chapter 394, Statutes of Nevada 2003, at page 2321 (NRS 582.021).

**Section 1.** Chapter 582 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *Violations of the provisions of this chapter or chapter 582 of NRS are subject to the following:*

*1. Except as otherwise provided in subsection 2, for a first violation, 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, the Division will impose a civil penalty of not less than \$50 and not more than \$500.*

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

**Sec. 3.** *1. Any public weighmaster employing or designating any person to act for him as a deputy public weighmaster is responsible for the acts performed by the person, and the public weighmaster shall forward the name and address of the person to the State Sealer of Weights and Measures.*

*2. A public weighmaster or his deputy may complete, sign and issue a public weighmaster certificate based on information already recorded on the certificate by another deputy who has actually performed the weighing, measuring or counting if the performance of all such persons is pursuant to the authority of the same public weighmaster's license.*

**Sec. 4.** NAC 582.010 is hereby amended to read as follows:

582.010 As used in this chapter, unless the context otherwise requires:

1. "Commodity" means anything that may be weighed in a commercial transaction.
2. "Conveyance" means *the* vehicle, truck, railroad car, wagon, container or anything in which or upon which a commodity is being transported.
3. ~~["Gross weight" means the correct or actual combined weight of a commodity and its container or conveyance by which it is transported.~~
- ~~—4.—"Net weight" has the meaning ascribed to it in NRS 582.010.~~
- ~~—5.] "Public weighmaster certificate" means a certificate of weights and measures issued by a public weighmaster.~~
4. "Tare weight" means the correct or actual weight of any conveyance by which a commodity is transported and excludes the weight of a commodity.

**Sec. 5.** NAC 582.040 is hereby amended to read as follows:

582.040 ~~[1.]~~ All weights recorded on a public weighmaster certificate by a public weighmaster or his deputy public weighmaster must be determined by weighing on the scale operated by the public weighmaster issuing the certificate.

~~[2.— For the purpose of the certification of any weight, the entire weight of the conveyance must rest upon the scale.~~

~~—3.— When weighing a combination of conveyances that will not rest on the scale platform at one time, the combination must be disconnected and weighed separately. The weights so taken may be combined for the purpose of issuing a single weight certificate.]~~

**Sec. 6.** NAC 582.050 is hereby amended to read as follows:

582.050 1. A vehicle or other conveyance ~~[shall]~~ **must** be weighed by a public weighmaster or his deputy public weighmaster for each tare weight certification recorded except as **otherwise** provided ~~[for]~~ in subsection 2.

2. A single tare weight per hauling vehicle or other conveyance may be used in determining the net weight of several loads of commodities, such as sand and gravel, when hauled to one customer ~~[;]~~ if the tare weight for each vehicle is determined ~~[prior to]~~ **before** hauling the first load in the morning and again after 1 p.m. each day.

3. A tare weight is valid for a period of 48 hours when used to determine the net weight of a commodity on a single commercial transaction.

**4. As used in this section, “net weight” has the meaning ascribed to it in section 6 of Senate Bill No. 485 of the 72nd Session of the Nevada Legislature, chapter 394, Statutes of Nevada 2003, at page 2313 (NRS 581.007).**

**Sec. 7.** NAC 582.060 is hereby amended to read as follows:

582.060 1. The form of a public weighmaster ~~weight~~ certificate must be submitted by a public weighmaster to the State Sealer of Weights and Measures for approval ~~prior to~~ *before* the printing of a supply of ~~weight~~ certificates.

2. A public weighmaster certificate must contain all information applicable to the transaction.

3. When issuing a public weighmaster certificate for gross weight only or tare weight only, the words “gross only” ~~shall~~ *may* be entered in the space provided for recording the tare weight, ~~or~~ the words “tare only” ~~shall~~ *may* be entered in the space provided for recording the gross weight or all unused spaces ~~shall~~ *must* be deleted by drawing a line through the unused spaces.

4. All information recorded must be neat, clear and complete.

5. The weighmaster or deputy weighmaster shall sign the certificate with his complete name.

6. The vehicle license number must be recorded in the proper space on the form.

7. In the case of a vehicle weighed for licensing purposes, the words “for licensing” must be written in the space provided for license numbers.

8. In the case of a vehicle or other equipment that does not display a license plate, the vehicle or equipment must be identified by other means, such as equipment number or description.

*9. As used in this section, “gross weight” means the correct or actual combined weight of a commodity and the container or conveyance by which it is transported.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R162-03**

On December 10, 2003, the Nevada Board of Agriculture adopted regulations assigned LCB file number R162-03 that pertain to chapter 582 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

**Notice date:** 10/2003  
**Hearing date:** 11/17/2003

**Date of adoption by agency:** 12/10/2003  
**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 added additional changes which were recommended to the Board of Agriculture. The recommendations were to add a civil penalty and to allow weighmasters to have deputies on a single license. The civil penalty offers another avenue of enforcement, without this change the public weighmaster license must be suspended for enforcement and possibly close a business. The ability of a business to have deputy weighmasters, allows a business to pay for a single license and to avoid having to pay for each deputy, saving the business the cost of multiple licenses.

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 with the changes recommended from the Las Vegas workshop as follows:

New section 1

Violations of the provisions of this chapter or chapter 582 of NRS are subject to the following:

1. For a first violation the Division will impose a civil penalty of not less than \$25 and not more than \$100;
2. If the Division determines that the 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 the Division will impose a civil penalty of not less than \$50 and not more than \$500.
4. For a third or subsequent violation the Division will impose a civil penalty of not less than \$100 and not more than \$1,000.

New Section 2

**Deputy public weighmaster: Designation; employment; responsibility of public weighmaster; condition upon issuance of certificate of weight by weighmaster or deputy based on information recorded by another.**

1. Any public weighmaster employing or designating any person to act for him as a deputy public weighmaster is responsible for the acts performed by such person, and the

public weighmaster shall forward the name and address of such person to the state sealer of weights and measures.

2. A public weighmaster or his deputy may complete, sign and issue a state certificate of weights and measures based on information already recorded on the certificate by another deputy who has actually performed the weighing, measuring or counting if the performance of all such persons is pursuant to the authority of the same public weighmasters certificate of appointment.

8. The economic effects of the adopted amendments on the businesses that it is to regulate include:
  - a. Adverse effects:  
None
  - b. Beneficial effects:  
Cost of multiple licenses was removed and keeps the system the way it was in the past.
  - 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 be better served with a licensed weighmaster.
  - 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.