

**PROPOSED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB FILE NO. R079-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/15/2020**

**REGULATION OF
THE STATE SEALER OF CONSUMER EQUITABILITY**

Sections 1 through 11, 13 and 14 Effective upon filing with the Secretary of State
Section 12 Effective July 1, 2022

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

AUTHORITY: NRS 561.153, 581.050, 581.067, 581.075, 582.021

Section 1. NAC 581.009 is hereby amended to read as follows:

NAC 581.009 Adoption by reference of National Institute of Standards and Technology 105-Series Handbooks and Training Materials. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference the National Institute of Standards and Technology 105-Series Handbooks and Training Materials, as those publications existed on 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 Consumer Equitability for use in this State. Each new revision shall be deemed approved by the State Sealer of Consumer Equitability unless he or she disapproves the revision within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The State Sealer of Consumer Equitability will review each revision issued after January 1, 2003, to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~*405 S 21st Street*, Sparks, Nevada 89431, or may be ~~[obtained free of charge from the Weights and Measures Division, NIST, 100 Bureau Drive, STOP 2600, Gaithersburg, Maryland 20899-2600, or at <http://ts.nist.gov>]~~ *accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications/>.*

(Added to NAC by St. Sealer of Weights & Measures by R126-97, eff. 6-23-98; A by R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 2. NAC 581.011 is hereby amended to read as follows:

NAC 581.011 Adoption by reference of *National Institute of Standards and Technology Handbook 44*; effect of violation. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference the *National Institute of Standards and Technology Handbook 44*, 2003 edition, and any subsequent edition issued by the National Institute of Standards and Technology, which has been approved by the State Sealer of Consumer Equitability for use in this State. Each new edition shall be deemed approved by the State Sealer of Consumer Equitability unless he or she disapproves the edition within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The State Sealer of Consumer Equitability will review each edition issued after the 2003 edition to ensure its suitability for use in this State and file a copy of each edition he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent edition that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, **or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>**, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~**National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880**, for the price of ~~[\$40]~~**46**.

3. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this chapter.

(Added to NAC by Dep't of Agriculture, eff. 7-30-82; A 10-17-86; A by St. Sealer of Weights & Measures, 10-23-91; 11-2-94; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 3. NAC 581.030 is hereby amended to read as follows:

NAC 581.030 Adoption by reference of certain portions of *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*; effect of violation. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference:

(a) The “Examination Procedure for Price 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,”

Ê as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*, 2003 edition, and any subsequent revision of that portion of the publication that has been approved by the State Sealer of Consumer Equitability for use in this State. Each revision of that portion of the publication shall be deemed approved by the State Sealer of Consumer Equitability unless he or she 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 Consumer Equitability will review each revision to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, ***or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>***, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~ ***National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880***, for the price of \$~~[31.50]~~**40**.

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 chapter.

(Added to NAC by St. Sealer of Weights & Measures by R084-00, 6-22-2000, eff. 7-1-2000; A by R161-03, 1-27-2004)

Sec. 4. NAC 581.050 is hereby amended to read as follows:

NAC 581.050 Adoption by reference of *National Institute of Standards and Technology Handbook 133*; effect of violation. (NRS 581.050, 581.067)

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 Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, ***or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>***, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~ ***National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880***, for the price of ~~[\$15]~~**27**.

2. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this chapter.

[Dep't of Agriculture, No. 81.02, eff. 2-5-60] — (NAC A by St. Sealer of Weights & Measures, 11-2-94; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 5. NAC 581.210 is hereby amended to read as follows:

NAC 581.210 Weighing and measuring devices, ***point-of-sale systems, labeling, packaged commodities, method of sale, advertised prices and price representations***: Tests, ***inspections*** and services for which fees will be charged; fees for tests ***or inspections***; failure to pay fee. (***[NRS 581.050](#), [581.067](#), [581.075](#)***)

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

(a) A retest ***or reinspection*** of:

(1) A device *found not to be in compliance during a test or inspection conducted by the Division pursuant to subsections 2, 7, 10, 11 or 12 of NRS 581.067 and for which ~~[was marked]~~ a “repair notice” ,“stop-use order” “hold order”, “out of order notice”, or other such notice of violation was issued ~~[during a test]~~ by the Division. If, upon the arrival of the inspector during normal business hours, the retest or reinspection 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 retest or reinspection remains due.*; or

(2) A *retest of a* point-of-sale system or cash register found to not be in compliance during a test conducted pursuant to subsection 19 of NRS 581.067. *If, upon the arrival of the inspector during normal business hours, the retest 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 retest or reinspection remains due.*; or

(3) A *reinspection or retest of a packaged commodity found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 14 or 15 of NRS 581.067 and for which a “hold order”, “stop use order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the reinspection or retest 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 retest or reinspection remains due.*; or

(4) A *reinspection or retest of a commodity for which the method of sale was found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 15 of NRS 581.067 and for which a “hold order”, “stop use order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the reinspection or retest 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 retest or reinspection remains due.*; or

(5) A *reinspection or retest of a commodity for which the advertised price was found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 18 of NRS 581.067 and for which a “hold order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the retest or*

reinspection 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 retest or reinspection remains due.

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

- i. Of a routine test or inspection conducted by the Division on any commercial premises during normal business hours pursuant to subsection 11 of NRS 581.067; or*
- ii. At the time* scheduled for a *special* test *or inspection of a device.*

(c) A test *or inspection* requested for a device if a special trip is required to perform the test *or inspection. Inspection or testing of licensed commercial weighing and measuring equipment at a time scheduled specifically for the convenience of the device owner shall be considered a special trip.* If, upon the arrival of the inspector, the test *or inspection* 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 *or inspection* 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 a test conducted by the Division

2. The fees for *inspection and* tests of devices *conducted by the Division for the purposes established in Section 1 (a) – (e)* are:

(a) For scale devices:

500 pounds and under tested with a Class F, Echelon III weight kit.....	\$32
500 pounds and under tested with a Class II, Echelon II weight kit.....	45
Over 500 pounds through 2,000 pounds.....	90
Over 2,000 pounds through 5,000 pounds.....	240
Over 5,000 pounds through 30,000 pounds.....	420
Hopper, 5,000 pounds and under.....	600
Hopper, over 5,000 pounds.....	750
Over 30,000 pounds.....	450

(b) For linear devices..... 42

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover...	30
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Dispenser tested with a prover larger than 5 gallons.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute.....	420
Nontemperature-compensated meter used to measure liquid petroleum gas.....	222
Temperature-compensated meter used to measure liquid petroleum gas.....	450
(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 serviceperson.....	75
For certification of standards for use in testing a noncommercial device.....	95
(e) For point-of-sale systems and cash registers not in compliance:	
For not more than five point-of-sale systems or cash registers.....	50
For six or more point-of-sale systems or cash registers.....	125

3. The fees for retesting or reinspection of a commercial device which has been repaired or adjusted immediately following a determination of noncompliance during a test conducted by the Division and for which no follow-up trip is required by Division to perform such retesting or reinspection are:

(a) For scale devices:

<i>500 pounds and under tested with a Class F, Echelon III weight kit.....</i>	<i>\$16</i>
<i>500 pounds and under tested with a Class II, Echelon II weight kit.....</i>	<i>23</i>
<i>Over 500 pounds through 2,000 pounds.....</i>	<i>45</i>
<i>Over 2,000 pounds through 5,000 pounds.....</i>	<i>120</i>
<i>Over 5,000 pounds through 30,000 pounds.....</i>	<i>210</i>
<i>Hopper, 5,000 pounds and under.....</i>	<i>300</i>
<i>Hopper, over 5,000 pounds.....</i>	<i>375</i>
<i> Over 30,000 pounds.....</i>	<i>250</i>

(b) For linear devices..... 21

(c) For meter devices:

<i>Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....</i>	<i>15</i>
<i>Dispenser tested with a prover larger than 5 gallons.....</i>	<i>111</i>
<i>Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute.....</i>	<i>111</i>
<i>Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute.....</i>	<i>210</i>
<i>Nontemperature-compensated meter used to measure liquid petroleum gas....</i>	<i>111</i>
<i>Temperature-compensated meter used to measure liquid petroleum gas.....</i>	<i>225</i>

4. The fee for each fifteen-minute time period, or portion thereof, to witness the test of a device which is not conducted by the Division is \$15.

5. The fee for reinspection and retests of packaged commodities, labels, advertised prices, or commodity method of sale are, for each fifteen-minute time period, or portion thereof, required for the inspector to conduct the inspection or test is \$15.

6. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this section, and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 3, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004; A by St. Sealer of Consumer Equitability by R096-15, 12-21-2015)

Sec. 6. NAC 581.220 is hereby amended to read as follows:

NAC 581.220 Weighing and measuring devices, *point-of-sale systems, labeling, packaged commodities, method of sale, advertised prices and price representations*: Additional fees for special tests *or inspections*; failure to pay fee. (NRS 581.050, 581.067, 581.075)

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

- (a) For each ~~[hour]~~ *fifteen-minute time period or portion thereof*, for testing a device above the time normally required to perform that test..... \$~~[60]~~15
- (b) ~~[For each hour for witnessing the test of a device that is not conducted by the Division.....~~ ~~60~~
- (e) For mileage, per mile for:
 - Pickup truck..... 1
 - Petroleum prover truck..... 3
 - Test truck for scale devices over 2,000 pounds 4
- (dc) For each ~~[hour]~~ *fifteen-minute time period, or portion thereof*, of required travel of the inspector, in addition to the fees specified in paragraph (eb)..... [60]15
- (ed) For the per diem of the inspector, the amounts allowed by law for state employees, under conditions set by the Division.

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

3. Only the fee prescribed by [NAC 581.210](#) for a test *or inspection* of a device *or commodity* will be charged if:

- ~~—(a) T~~ the test *or inspection* can be made during a scheduled trip for *other tests or* inspections in the vicinity~~;~~
~~(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 Consumer Equitability and the owner or operator of the device or standard to be tested.

5. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this

section, and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 4, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 7. NAC 581.280 is hereby amended to read as follows:

NAC 581.280 Issuance of license: Prerequisites; inspection of devices; failure of inspection; period of validity of license. (NRS 581.050, 581.057, 581.065, 581.067)

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 [am] reinspection conducted by the Division, *or is otherwise approved for use by State Sealer of Consumer Equitability*, the Division will reinstate the license.

(b) Fails to pass [am] reinspection 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 1 or the date on which it is issued, whichever is later, until the next following September 30.

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.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 8. NAC 581. 2XX is hereby added as follows:

NAC 581.2XX Transfer of device license ownership: Notice to Division; issuance of license.

1. A person to whom a license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment who has transferred ownership or operation of such device to another person shall, within 10 days of such transfer, provide notice to the Division on a form prescribed by the State Sealer of Consumer Equitability.

2. Upon receipt of the notice of transfer prescribed in Section 1., the State Sealer of Consumer Equitability shall, provided that the device is to be operated at the same physical location as operated by the original owner, re-issue the license in the name of the new owner or operator. If the device is to be operated at a different location than that of the original owner, the new owner shall be required to obtain a new license and pay the fee established pursuant to NAC 581.295.

Sec. 9. NAC 581. 2XX is hereby added as follows:

NAC 581.2XX Transfer of location of licensed device: Notice to Division; inspection of device.

1. *A person to whom a license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment who causes the device to be transferred to a different business location from the business location indicated on the license shall, within 10 days of such transfer, provide notice to the Division on a form prescribed by the State Sealer of Consumer Equitability.*

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 device owner has paid the license fee pursuant to NAC 581.295, the Division will issue a license for the device to be used as commercial weighing and measuring equipment at the new business location.*

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 and the device owner has paid the license fee pursuant to NAC 581.295, the Division will:*

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

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

Sec. 10. NAC 581.360 is hereby amended to read as follows:

NAC 581.360 Repair or adjustment of device: Removal of tag; attachment of security seal; use of device; *waiver of inspection by Division of repaired or adjusted device.* (NRS 581.050, 581.067)

1. After a serviceperson repairs or adjusts a weighing or measuring device that has been tagged by the State Sealer of Consumer Equitability as being in need of repairs *or out of order*, the serviceperson shall remove the tag if the repair or adjustment made by the serviceperson 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 serviceperson removes a tag pursuant to subsection 1, he or she shall attach to the weighing or measuring device a security seal that 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 Consumer Equitability for identifying the serviceperson 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 Consumer Equitability, *except as otherwise provided in this section*, conducts the required inspection. The owner may continue to use the device after the inspection is conducted if the State Sealer of Consumer Equitability determines that the device complies with the provisions set forth in the *National Institute of Standards and Technology Handbook 44* *and marks the device accordingly*.

4. The Division may waive the inspection required pursuant to subsection 3 if sufficient evidence, in the sole determination of the State Sealer of Consumer Equitability or their designee, is submitted to the Division in the format prescribed by the State Sealer of Consumer Equitability such to provide reasonable assurance that the device complies with the provisions set forth in the National Institute of Standards and Technology Handbook 44. If the Division waives the inspection required pursuant to subsection 3, the State Sealer of Consumer Equitability shall approve and cause the device to be marked as approved for use pursuant to Section 13 of NRS 581.067.

(Added to NAC by St. Sealer of Weights & Measures by R126-97, eff. 6-23-98; A by R161-03, 1-27-2004)

Sec. 11. NAC 581.285 is hereby amended to read as follows:

NAC 581.285 Renewal of license: Notice; payment of fee; inspection of device; failure of inspection. ([NRS 581.050](#), [581.057](#), [581.065](#), [581.067](#))

1. On or before July 10 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 August 31 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.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 12. NAC 581.295 is hereby amended to read as follows:

NAC 581.295 Licensing fees: Amount; *non-refundable, no prorating*; late payment.
([NRS 581.050](#), [581.065](#), [581.067](#), [581.075](#))

1. The fee for the annual licensing of a device is:

(a) For scale devices:

500 pounds and under tested with a Class F, Echelon III weight kit.....	\$ [22] 27
500 pounds and under tested with a Class II, Echelon II weight kit.....	[35] 50
Over 500 pounds through 2,000 pounds.....	[60] 75
Over 2,000 pounds through 5,000 pounds.....	[+60] 200
Over 5,000 pounds through 30,000 pounds.....	[280] 350
Hopper, 5,000 pounds and under.....	[400] 500
Hopper, over 5,000 pounds.....	[500] 625
Over 30,000 pounds.....	[300] 375

(b) For linear devices..... ~~[30]~~35

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....	[20] 25
Dispenser tested with a prover larger than 5 gallons.....	[+50] 185

Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute.....	[150]185
Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute.....	[280]350
Nontemperature-compensated meter used to measure liquid petroleum gas....	[135]185
Temperature-compensated meter used to measure liquid petroleum gas.....	[270]375

2. *Any fee remitted to the Division pursuant to this section is non-refundable and shall not be prorated for any period of the license term.*

3. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this section, and the Division will, in addition to any civil penalty that may be imposed pursuant to [NAC 581.260](#), impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 2, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; 2-20-96; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004) — (Substituted in revision for NAC 581.200)

Sec. 13. NAC 582.020 is hereby repealed:

~~[NAC 582.020—Requirements for bond. (NRS 582.021, 582.025)—Requirements for a bond of a public weighmaster are as follows:~~

~~—1. The bond must be a faithful performance bond in the amount of \$1,000 and must be issued by a surety company licensed to do business in this State.~~

~~—2. The bond form will be supplied by the State Sealer of Weights and Measures, and the executed bond must be filed with his office.~~

~~—3. The State Sealer of Weights and Measures must be notified in writing by the surety 30 days before the cancellation of a bond.~~

~~—[Dep't of Agriculture, No. 82.01, eff. 2-15-65]]~~

Sec. 14. NAC 582.025 is hereby amended to read as follows:

NAC 582.025 License as public weighmaster: Fee for issuance or renewal; *late payment; period of validity of license.* (NRS 561.105, 582.040) The fee for:

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

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

3. If a public weighmaster fails to renew the license before it expires, the public weighmaster must, in addition to the fee required pursuant to subsection 2, pay a late fee equal to 10 percent of the fee otherwise required for the renewal of the license.

4. A license issued pursuant to this section is valid from January 1 or on the date which it is issued, whichever is later, until the next December 31.

(Added to NAC by St. Sealer of Weights & Measures by R084-00, 6-22-2000, eff. 7-1-2000; A by Bd. of Agriculture by R001-04, 8-4-2004)