

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

LCB File No. R079-20

December 16, 2020

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

AUTHORITY: §§1-7, 13 and 17, NRS 581.050 and 581.067; §§8, 9 and 12, NRS 581.050, 581.067 and 581.075; §§10 and 11, NRS 581.050, 581.057, 581.065 and 581.067; §§14 and 16, NRS 582.021 and 582.025; §15, NRS 582.021, 582.025 and 582.040.

A REGULATION relating to measurement standards; providing requirements for a person who holds a license to use a weighing or measuring device as commercial weighing and measuring equipment to transfer ownership or operation of the device; establishing the process for moving a weighing or measuring device licensed as commercial weighing and measuring equipment to a new location; updating certain information relating to primary and secondary standards adopted by reference; revising certain fees charged for inspections and testing of certain weighing or measuring devices; revising certain fees charged for travel to and time spent inspecting and testing certain devices and commodities; providing that certain devices must pass a reinspection for a suspended license to be reinstated; revising certain fees charged by the Division of Consumer Equitability of the State Department of Agriculture for licensing certain weighing or measuring devices; authorizing the Division to waive the inspection of a weighing or measuring device that has been repaired or adjusted; establishing the term of a license as a public weighmaster; imposing a late fee for failing to timely pay the licensing fee as a public weighmaster; repealing the bond requirements of a public weighmaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Sealer of Consumer Equitability to adopt regulations necessary to carry out the provisions governing weights and measures. (NRS 581.050, 581.067)

Existing regulations require a person to obtain a license to use a weighing or measuring device as commercial weighing and measuring equipment. (NAC 581.280) Existing regulations require such a license to be renewed annually and that the license holder pay certain fees for the annual licensing of the device. (NAC 581.285, 581.295) **Section 2** of this regulation authorizes a license holder to transfer ownership or operation of a weighing or measuring device to another person. **Section 2** also requires the license holder to notify the Division of Consumer Equitability of the State Department of Agriculture not later than 10 days after the transfer occurs. **Section 2**

further provides that: (1) if the device will remain at the original physical location, the State Sealer of Consumer Equitability will reissue the license in the name of the new owner or operator; and (2) if the device will be used at a different location, the new owner or operator must apply for a new license and pay the appropriate fee. **Section 3** of this regulation authorizes a license holder to move the device to a new location and requires the license holder to notify the Division not later than 10 days after the move occurs. **Section 3** also establishes the process for how the Division will inspect the device that is moved to a new location.

Existing law requires the State Sealer of Consumer Equitability to adopt regulations establishing primary and secondary standards for weights and measures for use in this State. (NRS 581.067) Existing regulations adopt by reference such primary and secondary standards. (NAC 581.009-581.050) **Sections 4-7** of this regulation revise where such standards can be obtained and how they may be purchased.

Existing law requires the State Sealer of Consumer Equitability to conduct various inspections and tests. (NRS 581.067) Existing law also authorizes the State Sealer of Consumer Equitability to establish a schedule of fees for any necessary tests of weighing and measuring devices and existing regulations establish the fees. (NRS 581.075, NAC 581.210, 581.220) **Section 8** of this regulation revises the fees for various inspections and tests of certain scale devices, linear devices and meter devices. **Section 9** of this regulation revises the fees charged for travel to and time spent on various inspections and tests of certain devices and commodities.

Existing regulations provide that if a weighing or measuring device fails inspection at the time the license is issued or renewed, the Division will immediately suspend the license for the device. If the device passes a subsequent inspection, the Division will reinstate the license. If the device fails to pass the subsequent inspection, the Division may revoke the license. (NAC 581.280, 581.285) **Sections 10 and 11** of this regulation provide that: (1) if the device passes a reinspection or the State Sealer of Consumer Equitability otherwise approves the device for use, the Division will reinstate the license; and (2) if the device fails to pass a reinspection, the Division may revoke the license.

Existing regulations set forth the fees for the annual licensing of weighing or measuring devices. (NAC 581.295) **Section 12** of this regulation revises the fees and provides that any fee required for the licensing of a weighing or measuring device is nonrefundable and will not be prorated for any period of the term of the license.

Existing regulations require the State Sealer of Consumer Equitability to conduct an inspection of a weighing or measuring device that has been repaired or adjusted to determine that the device complies with the provisions set forth in the *National Institute of Standards and Technology Handbook 44*. (NAC 581.360) **Section 13** of this regulation authorizes the Division to waive the inspection requirement if the owner of the device submits sufficient evidence that the device complies with those provisions.

Existing law sets forth the process for how a person may be licensed as a public weighmaster. (NRS 582.028-582.049) Existing law requires the State Sealer of Consumer Equitability to issue a license as a public weighmaster if the State Sealer of Consumer Equitability is satisfied with the qualifications of the applicant. (NRS 582.040) **Section 14** of this

regulation provides that the term of such a license is from January 1 or the date on which it is issued, whichever is later, to December 31. Existing law requires the State Sealer of Consumer Equitability to charge a licensing fee and existing regulations establish the fee. (NRS 582.040, NAC 582.025) **Section 15** of this regulation imposes a late fee equal to 10 percent of the underlying fee if the underlying fee is not paid by its due date.

Existing regulations establish the bonding requirements of a public weighmaster. (NAC 582.020) **Section 16** of this regulation repeals the bonding requirements.

Section 1. Chapter 581 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A person to whom a license is issued to use a weighing or measuring device as commercial weighing and measuring equipment pursuant to NAC 581.280 and 581.295 may transfer ownership or operation of the weighing or measuring device to another person.*

2. A person who transfers ownership or operation of a weighing or measuring device pursuant to subsection 1 shall provide notice of the transfer to the Division on a form prescribed by the State Sealer of Consumer Equitability not later than 10 days after the transfer occurs.

3. If the weighing or measuring device is to be operated at the same physical location where it was operated by the original owner, the State Sealer of Consumer Equitability will, upon receiving the notice of transfer required by subsection 2, reissue the license to use the weighing or measuring device as commercial weighing or measuring equipment in the name of the new owner or operator.

4. If the weighing or measuring device is to be operated at a different physical location than where it was operated by the original owner, the new owner or operator must apply for a new license pursuant to NAC 581.280 and pay the fee for the annual licensing of the device set forth in NAC 581.295.

Sec. 3. 1. *A person to whom a license is issued to use a weighing or measuring device as commercial weighing and measuring equipment pursuant to NAC 581.280 and 581.295 may move the device to a location different than the location indicated in the information submitted pursuant to NAC 581.280.*

2. A person who moves a weighing or measuring device to a different location pursuant to subsection 1 shall provide notice of the move to the Division on a form prescribed by the State Sealer of Consumer Equitability not later than 10 days after the move occurs.

3. Except as otherwise provided in subsection 4, upon receiving the notice required by subsection 2, the Division will, as soon as practicable, inspect the device. If the Division determines that the device meets all the applicable standards and the owner or operator of the device has paid the fee for the annual licensing of the device 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 location.

4. The Division may waive the inspection required by subsection 3 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 inspection and the owner or operator of the device has paid the fee for the annual licensing of the device 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 location; and

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

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

581.009 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}~~ :

(a) *Will* be available for inspection at the office of the ~~{Bureau of Weights and Measures,}~~ Division of Consumer Equitability, ~~{2150 Frazer Avenue,}~~ *405 South 21st Street*, Sparks, Nevada 89431 ; ~~{}~~ or ~~{may}~~

(b) *May* be ~~{obtained}~~ *accessed* 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,}~~ <https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2>.

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

581.011 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~~ :

(a) *Will* be available for inspection at the office of the ~~Bureau of Weights and Measures,~~ Division of Consumer Equitability, ~~2150 Frazer Avenue,~~ *405 South 21st Street*, Sparks, Nevada 89431 ~~;~~ ;

(b) *May be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>*; or ~~may~~

(c) *May* be purchased by mail from the ~~Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000,~~ *National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508*, or by telephone at ~~(866) 512-1800,~~ *(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.

Sec. 6. NAC 581.030 is hereby amended to read as follows:

581.030 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,”

↪ 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}~~:

(a) *Will* be available for inspection at the office of the ~~{Bureau of Weights and Measures,}~~ Division of Consumer Equitability, ~~{2150 Frazer Avenue,}~~ *405 South 21st Street*, Sparks, Nevada 89431 ~~{}~~;

(b) *May be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>*; or ~~{may}~~

(c) *May* be purchased by mail from the ~~{Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000,}~~ *National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508*, or by telephone at ~~{(866) 512-1800,}~~ *(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.

Sec. 7. 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}~~ :

(a) *Is* available for inspection at the office of the ~~{Bureau of Weights and Measures,}~~ Division of Consumer Equitability, ~~{2150 Frazer Avenue,}~~ *405 South 21st Street*, Sparks, Nevada 89431 ~~{,}~~ ;

(b) *May be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>*; or ~~{may}~~

(c) *May* be purchased by mail from the ~~{Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000,}~~ *National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508*, or by telephone at ~~{(866) 512-1800,}~~ *(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.

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

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

(a) A *reinspection or* retest of:

(1) A device *found to not be in compliance during an inspection or test conducted pursuant to subsection 2, 7, 10, 11, 12 or 22 of NRS 581.067 and for* which ~~was marked~~ *a notice or order stating “repair,” “stop-use,” “hold,” “out of order”* ~~during a test;~~ *or some other such notice or order was issued by the State Sealer of Consumer Equitability;*

(2) *A packaged commodity found to not be in compliance during an inspection or test conducted pursuant to subsection 14 of NRS 581.067 and for which an order stating “hold” or “stop-use” or some other such order was issued by the State Sealer of Consumer Equitability;*

(3) *A commodity for which the method of sale was found to not be in compliance during an inspection or test conducted pursuant to subsection 15 of NRS 581.067 and for which an order stating “hold” or some other such order was issued by the State Sealer of Consumer Equitability; or*

(4) *A commodity for which the advertised price was found to not be in compliance during an inspection or test conducted pursuant to subsection 18 of NRS 581.067 and for which an order stating “hold” or some other such order was issued by the State Sealer of Consumer Equitability.*

(5) 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, a reinspection or retest described in subparagraphs (1) to (5), inclusive, 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 the reinspection or retest remains due.

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

(1) Of a routine inspection or test conducted on any commercial premises during normal business hours pursuant to subsection 11 of NRS 581.067; or

(2) Scheduled for a special trip to inspect or test ~~+~~ a device.

(c) ~~+~~ *An inspection or* test requested for a device if a special trip is required to perform the *inspection or* test. If, upon the arrival of the inspector, the *inspection or* 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 *inspection or* 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 a test conducted by the Division.

2. The fees for *inspections and* tests of devices conducted by the Division pursuant to this section 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

Over 30,000 pounds.....	450
Hopper, 5,000 pounds and under.....	600
Hopper, over 5,000 pounds	750
(b) For linear devices	42
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....	30
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 reinspecting or retesting a commercial device which has been repaired or adjusted following a determination of noncompliance pursuant to subsection 1 and for which no follow-up trip is required to perform the reinspection or retest are:*

(a) *For scale devices:*

500 pounds and under tested with a Class F, Echelon III

weight kit \$16

500 pounds and under tested with a Class II, Echelon II

weight kit 23

Over 500 pounds through 2,000 pounds 45

Over 2,000 pounds through 5,000 pounds 120

Over 5,000 pounds through 30,000 pounds 210

Over 30,000 pounds 250

Hopper, 5,000 pounds and under 300

Hopper, over 5,000 pounds 375

(b) *For linear devices 21*

(c) *For meter devices:*

Dispenser, hose, meter or octane grade tested with a 5-gallon

prover 15

Dispenser tested with a prover larger than 5 gallons 111

Truck- or rack-mounted meter, rated to a maximum capacity 111

<i>of up to 120 gallons per minute.....</i>	
<i>Truck- or rack-mounted meter, rated to a maximum capacity</i>	
<i>of over 120 gallons per minute</i>	<i>210</i>
<i>Nontemperature-compensated meter used to measure liquid</i>	
<i>petroleum gas</i>	<i>111</i>
<i>Temperature-compensated meter used to measure liquid</i>	
<i>petroleum gas</i>	<i>225</i>

4. The fee for each 15-minute time period, or portion thereof, required to witness an inspection or test of a device which is not conducted by the Division or the State Sealer of Consumer Equitability is \$15.

5. The fee for each 15-minute time period, or portion thereof, required to conduct a reinspection or retest of labels, packaged commodities, advertised prices or commodity methods of sale is \$15.

6. Failure to pay a fee required pursuant to this section by the due date indicated on the bill, which must not be less than 30 days after the bill is issued by the Division, 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.

7. As used in this section, “special trip” includes, without limitation, the inspection or testing of licensed commercial weighing and measuring devices at a time scheduled specifically for the convenience of the owner of such devices.

Sec. 9. 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}~~ *an inspection or test conducted during a special trip* ~~{test}~~ except as otherwise provided in this section:

(a) For each ~~{hour}~~ *15-minute period, or portion thereof*, for *inspecting* *or* testing a device *or commodity* 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

~~{d}~~ (c) For each ~~{hour}~~ *15-minute period, or portion thereof*, of required travel of the inspector, in addition to the fees specified in paragraph ~~{e}~~ (b)~~{60}~~ *15*

~~{e}~~ (d) 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 *inspections or* tests of devices *or commodities* in the same area if all the devices *or commodities* can be *inspected or* tested during the same trip.

3. Only the fee prescribed by NAC 581.210 for ~~{a}~~ *an inspection or* test of a device *or commodity* will be charged if ~~{~~

~~—(a) The~~ *the inspection or* test can be made during a scheduled trip for *other* inspections *or tests* 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 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 must be not less than 30 days after the bill is issued by the Division, 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.

6. As used in this section, “special trip” includes, without limitation, the inspection or testing of licensed commercial weighing and measuring devices at a time scheduled specifically for the convenience of the owner of such devices.

Sec. 10. NAC 581.280 is hereby amended to read as follows:

581.280 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~~ *a reinspection* conducted by the Division, *or is otherwise approved for use by the State Sealer of Consumer Equitability*, the Division will reinstate the license.

(b) Fails to pass ~~an inspection~~ *a 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 September 1 or the date on which it is issued, whichever is later, until the next following August 31.

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

581.285 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~~ *a reinspection* conducted by the Division, *or is otherwise approved for use by the State Sealer of Consumer Equitability*, the Division will reinstate the license.

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

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

581.295 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.....	160 200
Over 5,000 pounds through 30,000 pounds.....	280 350
Over 30,000 pounds.....	300 375
Hopper, 5,000 pounds and under.....	400 500
Hopper, over 5,000 pounds	500 625

(b) For linear devices

	30 35
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(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover	20 25
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Dispenser tested with a prover larger than 5 gallons.....	150 185
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 required pursuant to this section is nonrefundable and will not be prorated for any period of the term of the license.*

3. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which must not be less than 30 days after the bill is issued by the Division, 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.

Sec. 13. NAC 581.360 is hereby amended to read as follows:

581.360 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 *out of order or* in need of repairs, 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~~ *Except as otherwise provided in subsection 4, 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 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*.

4. The Division may waive the inspection required by subsection 3 if the owner of the weighing or measuring device that has been repaired or adjusted pursuant to this section submits in a format prescribed by the State Sealer of Consumer Equitability sufficient evidence, as determined by the State Sealer of Consumer Equitability or his or her designee, that the device complies with the provisions set forth in the National Institute of Standards and Technology Handbook 44.

5. If the Division waives the inspection pursuant to subsection 4, the State Sealer of Consumer Equitability will approve the weighing or measuring device and may mark the device pursuant to subsection 13 of NRS 581.067.

Sec. 14. Chapter 582 of NAC is hereby amended by adding thereto a new section to read as follows:

A license as a public weighmaster issued pursuant to NRS 582.040 is valid from January 1 or the date on which it is issued, whichever is later, until the next following December 31.

Sec. 15. NAC 582.025 is hereby amended to read as follows:

582.025 *1.* The fee for:

~~11.1~~ *(a)* The issuance of a license as a public weighmaster pursuant to NRS 582.040 is \$120.

~~12.1~~ *(b)* The annual renewal of a license as a public weighmaster issued pursuant to NRS 582.040 is \$100.

2. Failure to pay a fee required pursuant to this section by the due date indicated on the bill, which must not be less than 30 days after the bill is issued by the Division, is a violation of this section and the Division will, in addition to any civil penalties that may be imposed pursuant to NAC 582.300, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

Sec. 16. NAC 582.020 is hereby repealed

Sec. 17. *1.* This section and sections 1 to 11, inclusive, and 13 to 16, inclusive, of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Section 12 of this regulation becomes effective on July 1, 2022.

TEXT OF REPEALED SECTION

582.020 Requirements for bond.

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 or her 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.