

LCB File No. R084-00

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

NAC CHAPTER 581

A copy of the proposed amendments to this chapter is attached. The changes reflect increases in the fee schedules for annual, recheck and special tests on commercial devices performed by the weights and measures inspectors, and approved by the Nevada Board of Agriculture. The hourly rates and vehicle mileage rates have been increased to reflect the actual operation costs. The registration fees for Registered Service Agencies has been alter to reflect the administrative costs only.

It also includes the adoption of the price verification portion of the National Institute of Standards and Technology Handbook 130.

NAC CHAPTER 582

The copy of this chapter with changes attached is submitted to reflect the administrative costs of operating this program.

FORMAT

The original document language to be changed has been lined through and bracketed. The new language has been italicize, and highlighted in yellow to provide an ease in recognition.

CHAPTER 581

WEIGHTS AND MEASURES

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GENERAL PROVISIONS

NAC 581.005 "[division] department" defined. As used in this chapter, unless the context otherwise requires, "[division] department" means the [division] department of agriculture ~~of the department of business and industry~~.

(Supplied in codification)

ADMINISTRATION

NAC 581.007 Issuance of notice of warning. (NRS 581.055)

1. If the ~~[division]~~ *department* determines that a person unintentionally violated a provision of chapter 581 of NRS or this chapter, the ~~[division]~~ *department* may issue a notice of warning to that person without imposing an administrative fine.
2. A notice of warning issued by the ~~[division]~~ *department* must be in writing and must set forth:
 - (a) The statute or regulation that was violated;
 - (b) The action necessary to remedy the violation; and
 - (c) The time by which the person must remedy the violation to avoid the imposition of an administrative fine.

(Added to NAC by St. Sealer of Weights & Measures by R146-98, eff. 12-14-98)

NAC 581.009 Adoption by reference of National Institute of Standards and Technology 105-Series Handbooks and Training Materials. (NRS 581.050) 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 exist on June 23, 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. The state sealer of weights and measures will review each revision issued after June 23, 1998, to ensure its suitability for this state. The most current revision that has been approved by the state sealer of weights and measures will be available at the ~~[office]~~ *Bureau* of Weights and Measures, ~~[division of agriculture]~~ *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, at a price of \$35.

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

NAC 581.011 Adoption by reference of National Institute of Standards and Technology Handbook 44; administrative fine. (NRS 581.055)

1. The state sealer of weights and measures hereby adopts by reference the National Institute of Standards and Technology Handbook 44, 1994 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. The state sealer of weights and measures will review each edition issued after the 1994 edition to ensure its suitability for this state. The most current edition that has been approved by the state sealer of weights and measures will be available at the ~~[office]~~ *Bureau* of Weights and Measures, ~~[division of Agriculture]~~ *Division of Measurement Standards*, 2150 Frazer Street, Sparks, Nevada 89431, or may be purchased from the Superintendent of Documents, United States

Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$23.

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.

(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)

NAC 581.050 Adoption by reference of National Institute of Standards and Technology Handbook 133; administrative fine. (NRS 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. This publication, including supplements, is available for inspection at the ~~[office]~~ *Bureau* of Weights and Measures, ~~[division of Agriculture]~~ *Division of Measurement Standards*, 2150 Frazer Street, Sparks, Nevada 89431, or may be purchased from the National Conference on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885, 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.

[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)

NAC 581.xxx Adoption by reference of National Institute of Standards and Technology Handbook 130; administrative fine. (NRS 581.055)

1. The National Institute of Standards and Technology Handbook 130 is hereby adopted by reference as the official procedure for Price Verification Examinations. This publication, including supplements, is available for inspection at the Bureau of Weights and Measures, Division of Measurement Standards, 2150 Frazer Street, Sparks, Nevada 89431, or may be purchased from the National Conference on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885.

2. For the purposes of this section, “area” is defined as an “entire store”, a “department”, “grouping of shelves or displays”, item or items “under investigation”,

“sale items” or other “section” of a store as defined by the inspector from which samples are selected for price verification.

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 581.100 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.

[Dep't of Agriculture, No. 81.03, eff. 12-1-71]—(NAC A by St. Sealer of Weights & Measures by R146-98, 12-14-98)

NAC 581.200 Weighing and measuring devices: Tests and services for which fees will be charged; fees for tests; administrative fine. (NRS 581.055)

1. The following are tests and services for which fees will be charged:

(a) An annual test of a commercial device.

- (b) A retest of a device which was marked "out of order" during a test.
- (c) A trip to test a device which was not available or ready for testing at the time scheduled for a test.
- (d) A test requested for a device if a special trip is required to perform the test. If, upon the arrival of the weights and measures, the test scheduled for the device cannot be performed for any reason which is not the fault of the ~~[division]~~ *department*, any fee which would have been charged for that test remains due.
- (e) A test requested for a noncommercial device.
- (f) A calibration according to industrial standards of weights and measures.
- (g) An adjustment of a commercial device immediately following a determination of noncompliance during an annual test.

2. A special test fee will be charged pursuant to NAC 581.210 and 581.220 for a commercial device for which an annual fee has not been paid by the annual inspection date.

3. The fees for annual tests of devices are as follows:

(a) For scale devices:

500 pounds and under \$11

Over 500 pounds through 2,000 pounds ~~[29]~~ *\$30*

Over 2,000 pounds through 5,000 pounds ~~[65]~~ *\$80*

Over 5,000 pounds ~~[80]~~ *\$140*

Hopper, 5,000 pounds and under ~~[110]~~ *\$200*

Hopper, over 5,000 pounds ~~[150]~~ *\$250*

Livestock or vehicle scale, 40,000 pounds and under ~~[45]~~ *\$100*

Livestock scales, at a ranch site, feed lot, or stockyard location will be tested at a frequency as determined by the state sealer. (NRS Chapter 581.070, Powers and Duties of the State Sealer of Weights and Measures.)

Feedlot, defined, A commercial operation that derives its income from the feeding of livestock for others.

Stockyard, defined, A commercial operation of a livestock sales yard or auction yard where livestock is held temporarily prior to shipping, slaughter or sale.

.Livestock or vehicle scale, over 40,000 pounds ~~[100]~~ *\$150*

(b) For linear devices ~~[12]~~ *\$15*

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover ~~[9]~~ **\$10**

Dispenser tested with a prover larger than 5 gallons ~~[60]~~ **\$75**

Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute ~~[60]~~ **\$75**

Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute ~~[90]~~ **\$140**

Non temperature-compensated meter used to measure liquid petroleum gas ~~[60]~~ **\$75**

Temperature-compensated meter used to measure liquid petroleum gas ~~[90]~~ **\$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) 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.

[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)

NAC 581.210 Weighing and measuring devices: Fees for tests other than annual tests; administrative fine. (NRS 581.055)

1. The fees for tests of devices other than the annual tests are as follows:

(a) For scale devices:

500 pounds and under ~~[\$16]~~ **\$25**

Over 500 pounds through 2,000 pounds ~~[35]~~ **\$50**

Over 2,000 pounds through 5,000 pounds ~~[85]~~ **\$100**

Over 5,000 pounds ~~[117]~~ **\$160**

Hopper, 5,000 pounds and under ~~[135]~~ **\$300**

Hopper, over 5,000 pounds ~~[195]~~ **\$350**

Livestock or vehicle scale, 40,000 pounds and under ~~[130]~~ **\$130**

Livestock or vehicle scale, over 40,000 pounds ~~[60]~~ **\$200**

(b) For linear devices ~~[\$12]~~ **\$25**

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover ~~[17]~~ \$25

Dispenser tested with a prover larger than 5 gallons ~~[80]~~ \$95

Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute ~~[80]~~ \$95

Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute ~~[130]~~ \$160

Non temperature-compensated meter used to measure liquid petroleum gas ~~[80]~~ \$100

Temperature-compensated meter used to measure liquid petroleum gas ~~[130]~~ \$200

(d) For standards of mass, volume or length, per hour ~~[20]~~

For certification of standards, for Registered Service Agencies, \$40

For all other metrology services, \$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:

(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.

[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)

NAC 581.220 Weighing and measuring devices: Additional fees for special tests; administrative fine. (NRS 581.055)

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 ~~[\$20.00]~~ \$40

(b) For each hour for witnessing the test of a device that is not conducted by the ~~[division]~~ department ~~[20.00]~~ \$40

(c) For mileage, per mile for:

Pickup truck ~~[0.40]~~ \$1.00

Livestock test truck ~~{0.50}~~ \$2.00

Petroleum prover truck ~~{0.50}~~ \$2.00

Motor truck and hopper test truck ~~{1.00}~~ \$3.00

(d) For each hour of required travel of the inspector, in addition to the fees specified in paragraph (c) ~~{20.00}~~ \$40

(e) For the per diem of the inspector, the amounts currently allowed by law for state employees, under conditions set by the ~~{division}~~ 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:

(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.

[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)

NAC 581.230 Weighing and measuring devices: Certificate of conformance required for certain use of types of devices or accessories; exceptions; 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.

(Added to NAC by St. Sealer of Weights & Measures, eff. 11-2-94; A by R146-98, 12-14-98)

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.

(Added to NAC by St. Sealer of Weights & Measures by R146-98, eff. 12-14-98)

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.

(Added to NAC by St. Sealer of Weights & Measures by R146-98, eff. 12-14-98)

NAC 581.260 Administrative fine: Violation of NRS 581.430. (NRS 581.055) For a violation of NRS 581.430, the state sealer of weights and measures will impose:

1. For the first violation, an administrative fine of \$100;
2. For the second violation, an administrative fine of \$500; and
3. For the third and each subsequent violation, an administrative fine of \$1,000.

(Added to NAC by St. Sealer of Weights & Measures by R146-98, eff. 12-14-98)

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.

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

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.

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

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.

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

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 ~~[\$50]~~ **\$100.**

2. The fee for the issuance or renewal of a certificate of registration as a service person is ~~[\$10]~~ **\$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.

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

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:

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

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 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.

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

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.

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

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.

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

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.

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

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.

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

CHAPTER 582

PUBLIC WEIGHMASTERS

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582.010 Definitions. 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 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. "Tare weight" means the correct or actual weight of any conveyance by which a commodity is transported and excludes the weight of a commodity.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

582.xxx Certificate of Appointment as a public weighmaster: fee.

1. If satisfied with the applicant's qualifications, the state sealer of weights and measures shall issue a certificate of appointment as a public weighmaster, for which certificate he shall charge a fee of \$120. The certificate of appointment is valid for the calendar year in which it is issued. Renewal of the certificate of appointment may be obtained each year upon application to the state sealer of weights and measures, accompanied by a fee of \$100, on or before the last day of January.

582.020 Bonds. 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 and the executed bond must be filed with his office.
3. The state sealer must be notified in writing by the surety 30 days prior to the cancellation of a bond.

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

582.030 Display of license. All licenses while in force must be kept conspicuously displayed where the weighing is performed by the party or parties to whom they have been issued.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

582.040 Weighing procedures.

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.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

582.050 Tare weights.

1. A vehicle or other conveyance shall be weighed by a public weighmaster or his deputy public weighmaster for each tare weight certification recorded except as 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 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.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

582.060 Public weighmaster certificates: Form; contents.

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 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 be entered in the space provided for recording the tare weight or the words "tare only" shall be entered in the space provided for recording the gross weight or all unused spaces shall 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.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

582.070 Public weighmaster certificates: Drivers' and loaders, counts; voided certificates; retention of copies.

1. When a weighmaster records the number of units on a public weighmaster certificate and he has not actually determined or counted the units, he shall write the words "driver's count" or "loader's count" after the recorded number of units. The abbreviation "D.C." or "L.C." may be used in lieu of the complete words.

2. Weighmaster certificates upon which errors were made, or completed or partially completed certificates for which no claim has been made, shall be voided by writing the word "VOID" across the face of the certificate. All voided weight certificates must be preserved intact as part of the records required.

3. Copies of certificates issued and all copies of certificates voided must be kept for 3 years.

[Dep't of Agriculture, part No. 82.02, eff. 7-20-71]

