

Responses to the 2012 W&M Directors Questions (Non-Attributable Version)

1. Section S.1.8.4. of the Scale Code requires computing scales equipped with digital indications, such as the net weight, unit price, or total price to be displayed on the operator's and customer's side of the device. Unit price displays visible to the customer shall be in terms of single whole units of weight and not in common or decimal fractions of the unit. With that in mind; In a "direct sale", do you allow NTEP approved scales to display and compute in ounces when the weight is greater than 15.9 ounces?

NORTHEAST WEIGHTS AND MEASURES ASSOCIATION

We would not allow this practice; all for sell item must be priced and weighed in pounds or decimal fractions of a pound.

If the scale being used was traceable to an NTEP Certificate of Conformance we would permit this practice.

If the scale being used was traceable to an NTEP Certificate of Conformance we would permit this practice.

We would require that the displayed pricing to be by the pound but would permit the scale to weigh in ounces.

We would permit pricing and weighments in ounces as we believe that the reference to "single whole units" is intended to prevent the sale in $\frac{1}{4}$ or $\frac{1}{2}$ pound pricing and weighments. It was also suggested that Section 1.9.2. of the Uniform Regulation for the Method of Sale, Handbook 130 be consulted as it identified ounces as an example of a whole unit of weight.

CENTRAL WEIGHTS AND MEASURES ASSOCIATION

We also have an issue with price. We look at the scale and the application in which it is used. Is there a price per pound displayed? It would have to indicate price per pound to be acceptable in our jurisdiction.

We do not adopt Handbook 130 but agree that the unit price advertisement must match the scale.

We would allow the sale by ounce only.

We would require the unit price to be in pounds.

The unit price should be displayed in units of pounds.

We too would require the unit price to be in pounds but we might also look at how other jurisdictions were addressing the issue.

We adopt Handbook 130 and would require the unit price to be displayed in pounds.

They would have to advertise the unit price in units of pounds. We would allow the sale by ounces but would have to be in whole units.

Our rule states that it must be in the whole units which are price per pound as well as being advertised in pounds. While we have no problem in selling in ounces, it will mean that we would have to change our rules.

WESTERN WEIGHTS AND MEASURES ASSOCIATION

We are somewhat surprised at this. We would most likely go by the information contained in the NTEP certificate until such time a reason not to is discovered in Publication 130.

Yes. Customer unit prices must be displayed in terms of whole units, even if the advertised price is in terms of fractional units. Thus, there is no problem with selling in ounces or other recognized units of measure throughout the entire range. Additionally, Handbook 44 and the California Code of Regulations (CCR) Scales Code Section 2.20 paragraph S.1.2.1. Digital Indicating Scales, Units. States that only Postal Scales can be in more than one unit of measure (starts in ounces then changes to pounds, or simultaneously displays both pounds and ounces).

We prefer selling on ounces because that's how the product is advertised for sale. We have received some consumer complaints because of a lack of understanding of the difference between ounce and pound units.

We agree that the device could stay in ounces to capacity based on the NTEP Certificate of Conformance.

We would allow it based on the NTEP Certificate of Conformance. We do not adopt Handbook 130.

We would go by the NTEP Certificate of Conformance as long as the device is operated within the parameters of the certificate it would be acceptable.

Yes, we would permit this type of sale since the device has been evaluated and has been issued an NTEP Certificate of Conformance.

We have received some complaints in instances similar to this. Companies that sell expensive commodities don't like to advertise the price by larger units like the pound.

SOUTHERN WEIGHTS AND MEASURES ASSOCIATION

Yes

Yes, the method of sale requires that it be priced by the pound.

Yes, I think that we are already allowing it.

We don't adopt that section of Handbook 130. They would have to advertise by the same units it is sold in. We would accept this.

Yes, we would allow it.

We would allow it up to 15.9 ounces then it is to go to pounds.

We would allow it.

We would allow it.

Yes

Yes

Yes

Yes

2. Handbook 44 requires the calibration switch of a "legal for trade" scale to have a security seal. Does your State require these seals to have a unique identifier for each Service Company and/or Service Technician?

NORTHEAST WEIGHTS AND MEASURES ASSOCIATION

Yes.

Yes: for physical seals we require the use of an embossing tool and for paper seals we require the number to be applied to the paper.

Yes.

Yes.

Yes.

CENTRAL WEIGHTS AND MEASURES ASSOCIATION

Yes, each service agent is assigned a unique number that can be written on the seal or impressed with a seal.

No.

No.

No.

We do require both the service company and technician to be identified.

We require that only the service company be identified.

No.

Only the service technician must be identified.

We recommend that this be done but do not enforce it.

WESTERN WEIGHTS AND MEASURES ASSOCIATION

We have a voluntary program in our state for scale service company registration. Under this program, seals with a unique company-specific identifier are required. Note that this is a voluntary program at the present time.

Yes, CCR paragraph 4085. Titled “Responsibility of a Service Agency” states in part that each agency shall be responsible with the following:

(3) Security Seal. Service agents shall replace a security seal on any adjustment mechanism where the seal was required to be removed for service, repair, or installation. Before placing a device into service, service agents shall install a security seal on any adjustment mechanism designed to be sealed.

(4) Identification of Service Agency Work. Service agents shall identify their work on each device by applying an adhesive tag or label in a conspicuous location on the device. The adhesive tag or label shall show the name, registration number and business telephone number of the service agency, license number of the service agent performing the work, and date. Any security seal required pursuant to Section 12107 of the California Business and Professions Code shall show the registration number of the service agency, and the year the security seal was placed on the device.

NOTE: When approved electronic methods of sealing (e.g., data change audit trail) are used as the means for sealing instead of a security seal, DMS suggests that the audit trail information (e.g., event counters) be documented on the placed in service report in the event that calibration or configuration adjustments may have been after the device was placed back into service.

Yes

Yes, for each service technician.

It is not required for the security seal but must be on the sticker on the device and noted in the placed in service report.

No, although we think it is a good idea.

Yes, Service Agencies are issued a company-specific ID number and each Service Technician is issued a unique identifier that stays with them even if they change companies providing service work within the State. The Service Technician's number is required on seals.

We do require that the service agent be identified. We also require the service agent's registration number on the placed in service report.

SOUTHERN WEIGHTS AND MEASURES ASSOCIATION

We require that it have the company identification on the seal.

We require company identification on the seal for scales and the tech identification number for metering devices.

No regulations for identification on the security seals.

We have no requirements for company or tech identification on tags.

No requirement for company id on scales but we do require it for gasoline dispensers.

We require the technician id on both scales and gasoline dispensers.

No

No identification number is required but we do require a name of the report.

We require a number on the seal.

We require identification of the service company on the seal.

Yes, a unique identifier is required to be placed on the seal.

A company-based id must appear on the seal.

3. Many States are moving more of their paperwork into electronic form. Can your state accept placed in service forms/reports electronically?

NORTHEAST WEIGHTS AND MEASURES ASSOCIATION

Yes.

Yes.

Yes.

Yes.

Yes.

CENTRAL WEIGHTS AND MEASURES ASSOCIATION

Yes, we can accept reports electronically.

Yes. We're working on integrating it with our WIMWAM system.

Yes.

We have accepted them in the past but were looking for a hard copy. We are looking at integrating these reports with our system.

Yes, we accept and encourage use of electronic form submission.

Yes

Yes.

Yes.

Yes.

WESTERN WEIGHTS AND MEASURES ASSOCIATION

No, not in accordance with our current regulations but we will allow it.

Yes, the same CCR paragraph 4085 referenced in question two includes language in subparagraph (2) "Notice to County Sealer of Repairing or Placing of Device into Service by a Service Agency."

The language states that: "Each service agency shall notify the county sealer of the repairing or placing in service of any device. The notice shall be in writing, and transmitted to the county sealer within the 24-hour period following the repair, except as provided by Business and Professions Code Section 12515(b)."

§ 12515. REPAIR, SALE OR INSTALLATION OF INSTRUMENT: FAILURE TO NOTIFY COUNTY SEALER AS MISDEMEANOR: WHEN NOTIFICATION NOT REQUIRED.

(a) Any person having made repairs or adjustments to any weighing instrument or to any measuring instrument, or any person having sold, rented, leased, loaned, or installed any such instrument, who within 24 hours after the instrument has been sold, rented, leased, loaned, installed, repaired or adjusted, fails to notify the sealer of the county in which the instrument has been sold, rented, leased, loaned, installed, repaired or adjusted, that the scale, rent lease, loan, installation, repair, or adjustment has been made, is guilty of a misdemeanor.

(b) This section does not require notification to the sealer for an adjustment to a weighing or measuring instrument only for the purpose of maintaining it in a zero or balance condition.

Yes

Yes

No, because currently not supported by our website.

Yes

Yes

SOUTHERN WEIGHTS AND MEASURES ASSOCIATION

We are trying to allow for electronic submissions but, at the present time, the reports must be faxed.

Yes, we have for some time.

Yes, we will accept them in electronic form.

Yes

Yes

Yes

Yes

Yes

Yes and a copy of the report must remain with the device.

Yes

Yes and the technician's id must appear on the report.