



SCALE MANUFACTURERS ASSOCIATION

P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

Web Site: <http://www.scalemanufacturers.org>

2019 SMA Questions for State Directors

NEWMA

These questions will be asked at each of the four regional Weights and Measures Conferences during the remainder of 2019. State replies will be collated and published without attribution on the SMA website to enable participants to compare their positions on these issues with those in their region and in other regions.

1. What criteria, other than Handbook 44, does your state use to determine if a particular scale is suitable for the application in which it is used?

- Connecticut: We use HB44; we are an NTEP state. You must have a valid CC. We do have the authority to issue a certificate if necessary.
- Maine: We are an NTEP state. We will check CCs and make sure they're in place.
- Massachusetts: We are an NTEP state and follow HB44. We educate local jurisdictions in the use of NTEP CCs. For prior existing non-conforming scales, if its non-conforming, they need to get Legal for Trade devices.
- New Jersey: We are an NTEP state and follow HB44 requirements. We work in conjunction with our metrology lab to seek their input and advice.
- New York: We use HB44 and have a field body manual where we address several different parameters for scales and set policy. Examples: Vehicle scale approaches and requirement for a remote display for vehicle scale.
- Pennsylvania: We are allowed by sovereign domain to PA type-certify; there is some language that says we can certify – we have that ability. We can accept devices even without an NTEP CC.
- Vermont: We use HB44 but are not an NTEP state. The device must be Legal for Trade, so it must have a certificate based on policy, Vermont W&M laws, etc.

2. Due to the high cost to purchase and calibrate precision weights for Class I or II scales, jurisdictions and service agencies may not be purchasing sufficient precision test weight kits for scales with capacities up to 150 kg (300 lb) in order to comply with HB 44 Scales Code Table 4. Minimum Test Weights and Test Loads. How would your jurisdiction address the situation where there is an insufficient amount of suitable test weights to verify the accuracy of higher capacity Class I and II scales?

- Connecticut: We don't inspect wholesale locations – just retail. We have Class I and II kits for lower capacities.
- Maine: If a service company wants to do the work, the license requires that they have the kits to do so. If a service company is not capable, we would get the weights and do it ourselves – we prefer that service companies conduct these inspections.
- Massachusetts: We have the test weights for smaller capacities. For larger capacities, we require the scale service company to have certified weights and show us the manifest – we can witness test and seal.
- New Jersey: We have test weights for smaller capacity scales; larger capacities are an issue. All of the service companies are required to have weights available for use.
- New York: We have some class F1 kits that we lend out to municipal W&Ms so they can do the smaller scales. For larger capacity scales, we can do a witness test. If a large amount of these scales started showing up, we would buy larger capacity sets.
- Pennsylvania: We would allow the wholesaler to buy their own weights and certify and/or let a service company do the testing.
- Vermont: Currently these scales are not an issue; if necessary we would go out and purchase weights. Service companies will need proper weights.

3. When a device that is in commercial service has obliterated or illegible markings is the owner required to replace the nomenclature badge with one provided by the manufacturer?

- Connecticut: If it's a scale we've been testing, we would make them etch it permanently so we can ID it next time. If we can't determine the make of scale we would have them rebadge it and make sure it's certified by a service company to ensure it is legal for trade.
- Maine: For devices that are in service the device owner can make a plate. It's not necessary to get it from the manufacturer, but a service company can provide one.
- Massachusetts: If we have records that indicate make/model/SN we will allow the scale to be used. Service companies can replace the plate or make one. We are not forcing them to go back to manufacturer.

- New Jersey: We require an ID plate on a device, but we will allow a service company to make a replacement plate. They are not forced to go back to the manufacturer to get one, but they can if they want to.
- New York: A new device is required to have an ID plate. If the device has been in service for a while, we would work with device owner.
- Pennsylvania: A new device is required to have an ID plate. If the device has been in service for a while, we would work with device owner.
- Vermont: If the ID plate is missing, we would look for historical data and work with them. The owner or service company can make a plate – it is not a requirement to go back to manufacturer to get one.



SCALE MANUFACTURERS ASSOCIATION

P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

Web Site: <http://www.scalemanufacturers.org>

2019 SMA Questions for State Directors

CWMA

These questions will be asked at each of the four regional Weights and Measures Conferences during the remainder of 2019. State replies will be collated and published without attribution on the SMA website to enable participants to compare their positions on these issues with those in their region and in other regions.

1. What criteria, other than Handbook 44, does your state use to determine if a particular scale is suitable for the application in which it is used?

- Illinois: Must be NTEP approved; we will refer to NTEP CC to be sure it's being used as intended. We have our own laws and rules for vehicle scales.
- Iowa: Iowa has specific foundation requirements for vehicle scales.
- Kansas: No specific state statues for suitability. We have HB44 to reference.
- Michigan: Michigan W&M Law, HB44 and NTEP CCs.
- Minnesota: Must have NTEP CC; We have specific foundation and approach requirements for vehicle scales; also some requirements for livestock and hopper scales. We have some policies regarding minimum scale division sizes for precious metals and spices.
- Missouri: We have some state regulations that are more restrictive.
- Nebraska: Use Nebraska W&M Act; we also use NIST III and IIIIL tolerance worksheets when putting a scale into service.
- North Dakota: We have additional Administrative Rules (additional criterial for installation). These are specific to vehicle/livestock scales.
- Ohio: We use NTEP CCs and HB44; we have a scale approach policy for vehicles. We handle issues on a case by case basis if a question arises; the Director can issue variances if necessary.
- South Dakota: We follow HB44 and NTEP CCs.
- Wisconsin: HB44 and NTEP CCs; have suitability policies for precious metals.

Construction standards and indicator policies are also used.

2. Due to the high cost to purchase and calibrate precision weights for Class I or II scales, jurisdictions and service agencies may not be purchasing sufficient precision test weight kits for scales with capacities up to 150 kg (300 lb) in order to comply with HB 44 Scales Code Table 4. Minimum Test Weights and Test Loads. How would your jurisdiction address the situation where there is an insufficient amount of suitable test weights to verify the accuracy of higher capacity Class I and II scales?

- Illinois: The law stipulates you must have sufficient weights to perform calibration services. Service companies must have suitable weights.
- Iowa: We would require service companies to have sufficient weights. We will need additional funding to purchase this equipment.
- Kansas: We would require service companies to purchase equipment (weights). We have Class I and II precision weights now; if there were a need for higher capacity devices we would have to purchase.
- Michigan: We have precision weights and require service companies to have sufficient test weights to place all scales into service.
- Minnesota: We require service companies to purchase sufficient weights. We have class II weights for inspectors to share; we would purchase more if necessary.
- Missouri: We have precious weight kits.
- Nebraska: Same as KS; we have precious weights for small capacity devices, but not enough for large capacity (300lbs). We would require service companies to purchase sufficient weights.
- North Dakota: It is a requirement for service companies to have enough weights. We already have precision weights for docket and precious metal scales.
- Ohio: We have sufficient test weights. Service companies are required to have enough weights for the type of scales they are applying to certify. We would allow them to contract with manufacturers if needed. Ohio counties have their own weight kits.
- South Dakota: We have three precious weight kits.
- Wisconsin: We have precision weight kits for our inspectors; we require registered inspection companies to be capable of certifying scales, which includes suitable weights.

3. When a device that is in commercial service has obliterated or illegible markings is the owner required to replace the nomenclature badge with one provided by the manufacturer?

- Illinois: Yes they are. We have an ID tag maker for obsolete scales or manufacturers that have gone out of business.

- Iowa: Yes we would require it.
- Kansas: If it is traceable to an NTEP CC, we would require the badge to be replaced by the manufacturer. If we don't know, we work with the service company or owner.
- Michigan: Yes, we would require for a new NTEP device. Older devices: we don't require it.
- Minnesota: If it has been in service and can be identified, we allow it. If it came in from out of state or no badge, they must get one.
- Missouri: We would require new devices to have an ID tag; in the pre-NTEP days, we had our own tags.
- Nebraska: Must have correct markings. Device owner must get a new ID badge.
- North Dakota: All devices are required to be properly badged.
- Ohio: We require it to be properly labelled. We have a requirement that says if a device has been removed from service that was previously grandfathered in, it must meet all current requirements to place it back in service including current marking requirements.
- South Dakota: We would require new devices to have an ID tag.
- Wisconsin: If it has been in service and can be identified, we allow it. If it came in from out of state or no badge, they must get one



SCALE MANUFACTURERS ASSOCIATION

P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

Web Site: <http://www.scalemanufacturers.org>

2019 SMA Questions for State Directors

WWMA

These questions will be asked at each of the four regional Weights and Measures Conferences during the remainder of 2019. State replies will be collated and published without attribution on the SMA website to enable participants to compare their positions on these issues with those in their region and in other regions.

1. What criteria, other than Handbook 44, does your state use to determine if a particular scale is suitable for the application in which it is used?

Alaska: Our inspectors are instructed to use NTEP CC's; we also have statutes and regulations we reference.

Arizona: We follow HB44 and the requirements for NTEP; nothing else.

California: We follow HB44; it provides guidance, but we supplement it with State "notices" which are sent to counties to seek further clarification. After feedback we then put a notice out as a recommendation.

Idaho: We use HB44; we have the option in our statutes to address unique situations.

Montana: We instruct our inspectors to use HB44, look for an NTEP CC, and we also have statutes. We do allow split weighing for logging industry.

Nevada: We follow HB44 and NTEP requirements.

New Mexico: We use HB 44 and NTEP CC's.

Oregon: We use HB44. We consider the environment the device is being used in, such as packaging, direct scales, size of weighing pan vs size of material being weighed, etc. We go by NTEP CC to allow for modifications, if the scale is a hanging/bench/floor scale.

Utah: We use HB44 and NTEP. We also look at scale manufacturer requirements.

Washington: We adopt HB44/NTEP.

Wyoming: We use HB44; we also have additional regulations, such as requirements for livestock scales. For railroad scales we use the AAR handbook.

2. Due to the high cost to purchase and calibrate precision weights for Class I or II scales, jurisdictions and service agencies may not be purchasing sufficient precision test weight kits for scales with capacities up to 150 kg (300 lb) in order to comply with HB 44 Scales Code Table 4. Minimum Test Weights and Test Loads. How would your jurisdiction address the situation where there is an insufficient amount of suitable test weights to verify the accuracy of higher capacity Class I and II scales?

Alaska: We use (500g to 100mg) Class II kits for small capacity devices. Inspectors use them in the field; one in Juno and one in the Fairbanks/Anchorage areas. We also have custom made kits: 1kg and 5kg Class II weights. Alaska changed "Required" in HB44 Table 4 to "Recommended".

Arizona: Our agency does not have a mandate to test every scale every year. We have equipment to test more unique scales. We have OIML Class I test kits for Class II scales. Inspectors have to go through special training to test Class II scales. We expect licensed service techs to have proper equipment.

California: We recently bought three precision weight kits; they are spread out over the state. We looking to purchasing 5kg/10kg/20kg weights. They need special handling; an inspector will need special training and have proper equipment (gloves, etc.)

Idaho: We have four precision kits in the field for Class II precious metal scales. We don't know of any higher capacity commercially used Class I or II scales. If they existed, they must hire a service company with proper weights to certify them.

Montana: We are looking at purchasing a precision weight kit but it's not a priority yet.

Nevada: We are not aware of any high capacity Class II scales in use. We have (6) precision kits; will order (4) more this fiscal year. Lots of inspectors are using these daily. Higher capacity; we would deal with it if somebody purchases one but doesn't use it all the way to capacity (we will certify to a lower capacity using our kits). Otherwise, we would require owner to bring in a Registered Service Agent to certify scale and we would witness.

New Mexico: First we would go the substitution or strain load method per HB 44. If that was not feasible and we had an insufficient amount of suitable test weights, we may create an external policy that would allow us to use our Class F weights in certain instances as a substitute. It would really depend on what the scales were being used for and how they were being used. In a perfect world we would ask for the funding to purchase the sufficient amount of precision weights needed and be granted that.

Oregon: We do not regulate the scale service industry. A device must pass inspection by the state. We are going to purchase 1kg kits for all our inspectors (have 10) now; we are going to purchase larger kits. If we don't have suitable equipment, we will verify it is licensed and fits purpose, but will not certify the scale.

Utah: We use our own equipment. If we need more equipment, we'd have to work it out.

Wyoming: We don't have a lot of precious metal scales. We have (2) Class II kits. We only have two inspectors approved to use them (special handling). We have the option to require a technician to check the scale and we would witness.

3. When a device that is in commercial service has obliterated or illegible markings is the owner required to replace the nomenclature badge with one provided by the manufacturer?

Alaska: If the device is new with damaged markings, we would require the tag to be replaced. If scale is in our system and we have data on it, we would require the inspector or owner to use something to mark it permanently with the data in our system.

Arizona: Ideally, the plate would be from the manufacturer but there are times that is not possible, or certain large scales you can't get to the plate.

California: We require proper a plate from the manufacturer and installed by an Registered Service Agent.

Idaho: Same as Alaska. If it's in our system, just re-mark it as best as possible.

Montana: A new scale would be required to have proper marking. If it's in our system; the owner can re-mark it.

Nevada: If a badge is available from the manufacturer, you are required to obtain it. If not, they are required to mark it permanently.

New Mexico: Yes. In the meantime we would allow them to create a temporary one while they waited for the one from manufacturer.

Oregon: We require the label to be replaced; case-by-case for special exemptions.

Utah: If it's in our system, we will allow for that. If it's new, it must be marked properly.

Washington: We prefer a plate from the manufacturer; if not then it is considered case-by-case.

Wyoming: A new scale installation would be required to have proper markings. If we have history on the device it's not an issue.



SCALE MANUFACTURERS ASSOCIATION

P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

Web Site: <http://www.scalemanufacturers.org>

2019 SMA Questions for State Directors

SWMA

These questions will be asked at each of the four regional Weights and Measures Conferences during the remainder of 2019. State replies will be collated and published without attribution on the SMA website to enable participants to compare their positions on these issues with those in their region and in other regions.

1. What criteria, other than Handbook 44, does your state use to determine if a particular scale is suitable for the application in which it is used?

Arkansas: Use HB44 and common sense.

District of Columbia: Use HB44 and NTEP CC's.

Florida: NTEP CC's; we refer to them. Use common sense. Look at the price of the commodity; the scale may be suitable but not appropriate.

Georgia: Use HB44. Occasionally a state rule or regulation deviates from it; must be an NTEP scale.

Kentucky: We don't have any written documentation. We like to demonstrate how much they can lose by using the wrong type of scale.

Louisiana: Use HB44 and the NTEP CC. There are not many cases where we deviate.

Mississippi: Use NTEP CC for suitability. Some MS W&M laws and regulations may supersede HB44.

North Carolina: We have special requirements for vehicle scale approaches – nothing else. We will check the scale for suitability.

South Carolina: We use HB44, NTEP CC's, state laws and regulations, plus common sense and historical data.

Tennessee: We use HB44, NTEP CC's, and common sense.

Texas: We use HB44 and NTEP CC's.

Virginia: HB44 and NTEP CC's.

West Virginia: We use HB44 and NTEP CC's; we also have state laws. Use common sense and evaluate the situation.

2. Due to the high cost to purchase and calibrate precision weights for Class I or II scales, jurisdictions and service agencies may not be purchasing sufficient precision test weight kits for scales with capacities up to 150 kg (300 lb) in order to comply with HB 44 Scales Code Table 4. Minimum Test Weights and Test Loads. How would your jurisdiction address the situation where there is an insufficient amount of suitable test weights to verify the accuracy of higher capacity Class I and II scales?

Arkansas: We don't have proper weights to test a Class II scale. We have not seen a high-capacity Class II scale. We have one scale company that has 3200g of precision weights.

District of Columbia: We have purchased (4) precision kits for our inspectors.

Florida: We don't have precision test weights at this time. We are not aware of any high-capacity Class II scales. We are going to require services companies to have suitable weights.

Georgia: We would require service agents to have precision test weights. We will decide if these scales will be brought into the metrology lab or not for testing.

Kentucky: We haven't seen any large capacity Class II scales. We have smaller capacity scales: must educate our inspectors and service agents about them.

Louisiana: We have high-precision weight kits. If we don't have enough weights for larger capacity scales, we would require the service agents to have them.

Mississippi: We would require the service agents to have the appropriate test weights.

North Carolina: Don't know of any of this type of scale in the state. We will purchase test weights if needed and will require the service agent to have the appropriate weights.

South Carolina: We may require businesses to bring their scales to the lab. We require that service agents have appropriate weights and we will conduct witness testing.

Tennessee: We are not prepared for testing Class II scales at this time.

Texas: If a service agent wants to be licensed for these types of scales we would require them to have appropriate weights. If an inspector needed to inspect one and didn't have weights; we would witness test them with a service agent. We do have precision kits for smaller capacity scales.

Virginia: We have precision weight kits in the lab; we would use witness testing with service agents until we could purchase the correct weights.

West Virginia: We don't have any precision weight kits; we would require service agents to have suitable test weights. We may allow owners to purchase their own test weights.

3. When a device that is in commercial service has obliterated or illegible markings is the owner required to replace the nomenclature badge with one provided by the manufacturer?

Arkansas: Nothing prohibits an owner from replacing the tag, but once we tell them what is required to be on it they will typically contact the manufacturer. They can make their own, but we won't let them use the scale without a tag.

District of Columbia: We will grant temporary approval to use the scale until the tag is replaced if it is an existing site. We will allow the owner to duplicate the tag. A new scale must have the correct ID tag.

Florida: We require a manufacturer's tag in theory. If we have the scale in our system we will allow a service agent to replace the badge.

Georgia: We try to work with the owner and manufacturer. We have grandfathered pre-NTEP scales and allow them without a tag. If it's in our database we will accept the scale.

Kentucky: If it is an initial verification we require a manufacturer's tag; if it's already in use we won't remove it from service, but we still ask them to get a tag.

Louisiana: For scales already in service or already checked, we won't do anything since we know the scale and it's in our database.

Mississippi: We will not put it out of service, but we would require the tag to be replaced if its already been in service.

North Carolina: If the scale is new, we require a tag. If we have inspected the scale in the past, we don't require the tag to be replaced.

South Carolina: New installations would be required to have a tag. If we have inspected the scale in the past, we don't require the tag to be replaced.

Tennessee: For a new device, the tag must be present. If it's not in our system we would reject the scale but allow it to be used until the tag can be replaced. If a remanufactured device was placed in service it must have the correct markings.

Texas: We require the ID tag to be on the scale for the initial inspection. If we know the scale from previous routine inspections, it can operate until they get the tag replaced.

Virginia: The scale must have it but if missing we will work with the owner. They can make their own as long as it has the correct information.

West Virginia: If the scale is new, it must have an ID tag. If we know the scale we would work with the owner. We will allow them to make their own tag. Per policy, after an initial inspection they can replicate the tag and place it by the indicator