



## SCALE MANUFACTURERS ASSOCIATION

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P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

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

### 2021 SMA Questions for State Directors

#### CWMA

1. For a weighing system that uses a hopper scale, does your state require that the hopper itself be NTEP tested and approved? If not, are you okay with placing a hopper onto an NTEP approved platform scale, or does the hopper need to be supported by load cells or a for-purpose system like a hopper floor stand or suspension system?

Kansas: Yes, unless it was NTEP'ed as an all-in-one device with the hopper or in cases where the hopper, tank, etc. are not permanently mounted. For instance, we have some hoppers which can be placed on the scale with a loader to make weighments and then are removed afterwards.

And there is another exception we recognize and that is the case where the scale is NTEP'ed to work with any hopper or tank but did not undergo an NTEP evaluation with said tanks or hoppers. Cardinal has a scale like that, and it was a carryover from the pre NTEP error and was recognized on the NTEP certificate in that manner.

We do run into situations where a firm has mounted NTEP load cells under a non-NTEP hopper and are using an NTEP indicator. We don't allow this. Sometimes these are homemade hoppers and sometimes they are an off the shelf model.

We do have an option in Kansas for one-of-a-kind devices to be used if we approve them and there have been a couple of hoppers systems go through this process with us. Basically, we do the same evaluation we would do for NTEP including a permanence test before we allow there use as a one of a kind.

Missouri: No, we don't require the hopper to be NTEP approved. We are ok with placing a hopper onto an NTEP approved platform scale.

Nebraska: Yes, we require a hopper scale to be NTEP approved. We are okay with placing a hopper on an NTEP approved platform scale.

North Dakota: No, we don't require the hopper to be NTEP approved. The hopper would need to be supported through an appropriate stand or suspension system and load cells.

2. Would your state accept a 200,000lb x 10lb vehicle scale if HB44 was modified to allow more than 10,000 divisions and NTEP tested and approved the device?

Kansas: Yes, we have nothing in our statutes currently that would prevent it if HB44 was changed and NTEP evaluations were performed and passed.

Missouri: No, we are not in favor of modifying HB44.

Nebraska: Yes, but Nebraska has adopted the 2019 version of HB 44 and in order to accept any changes in HB 44 our legislature would have to adopt the new version.

North Dakota: Yes

3. Does your State have any rules/regulations governing "Portable" Vehicle Scale installations?

Kansas: We go by the NTEP CC for this determination. We think this needs some better defining guidelines. Currently we apply our placed in-service requirement to the device every time it is moved and then reinstalled. We normally refer to these as temporary scales and they are granted a few exceptions in our laws as far as "user requirements". However, even though the scale may be deemed temporary or portable if they are used as a stationary device for too long, we then apply all the same requirements as we would for a permanent device

Missouri: Yes

Nebraska: The application of our scale regulations does not apply to scales installed at one location for less than 180 days.

North Dakota: Yes, administrative code only allows the use of a "portable" vehicle scale with a temporary variance. The permanent use of a "portable" vehicle scale will not be allowed in its portable state. However, if a "portable" scale is installed with a permanent foundation, then it is not subject to the "portable" scale restrictions.



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### 2021 SMA Questions for State Directors

#### NEWMA

These questions will be asked at the regional Weights and Measures Meetings during the remainder of 2021. 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. For a weighing system that uses a hopper scale, does your state require that the hopper itself be NTEP tested and approved?

If not, are you okay with placing a hopper onto an NTEP approved platform scale, or does the hopper need to be supported by load cells or a for-purpose system like a hopper floor stand or suspension system?

**Connecticut:** No requirement for hopper to be NTEP certified. Either support method is acceptable.

**Maine:** No requirement for hopper to be NTEP certified. Either support method is acceptable.

**Massachusetts:** No requirement for hopper to be NTEP certified. Load cells or support method do require NTEP approval.

**New Hampshire:** For new installations, hopper must be NTEP tested and approved. We have a lot of older hopper scales that mostly use suspension systems. Some use load cells, and they are NTEP certified. No opinion on support method.

**New Jersey:** NJ does do lots of concrete/asphalt hopper testing. For the hopper itself, we are not too picky on it being NTEP certified. As far as support method, a floor scale is a floor scale; it is not classified as hopper. In that case, we would use the floor scale capacity, etc. on that system.

**New York:** No requirement for hopper to be NTEP certified. We have a procedure to follow if the hopper is not NTEP certified; not sure about it, really.

**Pennsylvania:** Not a fan of hopper scales. No requirement for hopper to be NTEP certified. We request that the manufacturer of the pieces agree that the scale is being utilized within their specifications. Essentially; “You’ve gathered individual NTEP components – can they function together?”

**Vermont:** We would not require the hopper itself to be NTEP approved. We have not seen this specific application before. Ideally a hopper system designed for weighing, utilizing that hopper as

part of a system, and not simply a hopper placed on a scale would be ideal. However, we would not automatically reject the use of a hopper on an NTEP approved platform scale. We would need to see and evaluate how the weighing process works. If the scale and weighing process is accurate and no potential issues seen with that process, we would likely allow this, however evaluation would be needed. .

2. Would your state accept a 200,000lb x 10lb vehicle scale if HB44 was modified to allow more than 10,000 divisions and NTEP tested and approved the device?

Connecticut: Yes

Maine: Yes; if those things are done we would let it.

Massachusetts: Yes. We had our metrologist look at it the 12.5% minimum test capacity would still need to be enforced.

New Hampshire: We would allow it.

New Jersey: We would not hold back the industry.

New York: We would allow it.

Pennsylvania: We would comply if added in HB44.

Vermont: We adopt HB 44 in whole. We follow the HB and would allow this, but it needs to be pointed out that the change to the handbook would go through the formal process for changing the HB. This process allows for the vetting of this change and would include the results of testing and feedback from technical advisors. VT would not at this point support this change until the results of testing and feedback from technical advisors is given that would support this change.

3. Does your State have any rules/regulations governing "Portable" Vehicle Scale installations?

Connecticut: They must Meet All HB 44 rules and regulations and have a ten-foot level approach on each end with a 1' drop per foot ramp. (In certain cases, with limited space we may allow an exception of only one approach if the State approves it before installation)

Maine: We go by the HB44 6-month limit, but we take it on a scale-by-scale basis. We also look at external factors. Had have had people try to leave a temporary portable scale in place too long.

Massachusetts: No set guidelines in our laws and regulations regarding "what is a temporary scale" or "how long should a temporary scale be in place" .We will follow UR2.6 in HB44; require 10' approaches on each end. There have been situations that were special, and we grandfathered them in, etc.

New Hampshire: We follow HB44 and the 6-month rule.

New Jersey: We don't have lots of portables; the owner would have to apply for a waiver, and we would look at each installation on a case-by-case basis. We follow the 6-month rule and require 10' approaches.

New York: No separate rules or regulations for portable scales. We would follow HB44. We would allow a single approach; we have quite a few in NYC with limited space. Waivers granted for such cases as necessary.

**Pennsylvania:** We follow the 6-month rule and require standard approaches. We will make exceptions if necessary. Will not allow portables to become permanent.

**Vermont:** VT allows temporary vehicle scale use. This is primarily project-based use where a portable scale is moved into place and removed at the end of the project. By policy, VT defines and limits this type of use to six months. If there should be a longer-term project the W&M section would evaluate on a case-by-case basis.



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### 2021 SMA Questions for State Directors

#### SWMA

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1. For a weighing system that uses a hopper scale, does your state require that the hopper itself be NTEP tested and approved?

If not, are you okay with placing a hopper onto an NTEP approved platform scale, or does the hopper need to be supported by load cells or a for-purpose system like a hopper floor stand or suspension system?

Arkansas: Allow custom built, must be NTEP for components; L/Cs and indicator.

Delaware: Not checking hopper scales

Florida: Assuming that the weights determined by the use of the hopper scale will be used in a “commercial transaction” – yes, the hopper and supporting load cells, indicator, wiring system, etc. must be NTEP approved.

Georgia: System must be NTEP approved

Kentucky: It is my understanding that these devices require NTEP as a unit. We would require a request and a reason that an NTEP Hopper scale cannot be used. It would then have to be approved by the director.

Louisiana: Whole system must be NTEP – will allow custom only if no alternative

Maryland: Maryland is an NTEP state and would require the system to be evaluated as a hopper scale. Same for the controller if one is in use.

Mississippi: Whole system must be NTEP – some build for purpose is OK

North Carolina: Prefer NTEP system – some custom allowed and depends on location

Oklahoma: No, we do not require the hopper itself be NTEP tested and approved.

South Carolina: Depends on the situation and setting. We do very little hopper scale inspections and most are done as a witness test.

Virginia: NTEP state – Load receiving element must be approved

2. Would your state accept a 200,000lb x 10lb vehicle scale if HB44 was modified to allow more than 10,000 divisions and NTEP tested and approved the device?

Arkansas: If the HB 44 was modified and with today's technology, I can see no reason to prohibit 20,000 divisions or increasing the maximum allowed number of divisions on a Class III scale only. I would like to see some weighing data to support the proposed change to the HB 44.

Delaware: Yes

Florida: Yes

Georgia: Not at this time

Kentucky: We would be required to accept it. I have some concern that the device would maintain its accuracy in Kentucky due to environmental concerns.

Louisiana: Yes

Maryland: Maryland adopts the current version of handbook 44 by reference and would accept the changes, unless the legislature passed a bill or regulation that opposed the change.

Mississippi: Yes

North Carolina: Yes

Oklahoma: Yes

South Carolina: Yes if HB 44 is modified

Virginia: Yes

3. Does your State have any rules/regulations governing "Portable" Vehicle Scale installations?

Arkansas: It has to meet HB 44. If installed at one location exceeding six months, it must have compliant approach and exit ends installed.

Delaware: We follow HB 44

Florida: Yes, we follow HB44, but we have additional state regulations for approach and location.

Kentucky: We follow HB 44

Louisiana: We adopt HB 44, so anything pertaining to "portable vehicle scales" will be enforced in Louisiana. Otherwise, all scales are evaluated as NTEP or Non-NTEP and installations must follow HB 44 and the scale manufacturers specifications.

Maryland: No special rules or regulations other than the scale would have to be installed according to the manufactures specifications and instructions.

Mississippi: Follow HB44, after 6 months unique state regulations apply for approach

North Carolina: HB44 and internal policies – no certificate for 6 months then approach requirement will go into effect.

Oklahoma: The portable scale would have to be installed and calibrated by a licensed scale company. Our agency does not certify portable vehicle scales.

South Carolina: SC follows HB44

Virginia: We follow HB 44



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### 2021 SMA Questions for State Directors

#### WWMA

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If not, are you okay with placing a hopper onto an NTEP approved platform scale, or does the hopper need to be supported by load cells or a for-purpose system like a hopper floor stand or suspension system?

**Alaska:** The State of Alaska does not require the hopper itself to be NTEP tested and approved. We do require the components of the hopper weighing system as a suitable for purpose device to be NTEP approved (i.e. platform scale, indicator, loadcells).

**Arizona:** All components of the weighing device (or system) must have an NTEP Certificate of Conformance.

**California:** The hopper (load-receiving element) is an integral component of the weighing system and needs to be type evaluated as a part of the system. The hopper also has functioning parts such as gates, valves, etc., that affect the performance of the weighing operation.

**Colorado:** Yes, we require an NTEP CC.

**Idaho:** Not necessarily. Have a lot of old pre-NTEP hoppers; we provide exceptions for them. New systems require all components be NTEP.

**Montana:** Require NTEP for device, but old hoppers are grandfathered in.

**Nevada:** Not necessarily. Would allow hoppers to be set on an NTEP-certified platform scale. Will check system for suitability; the inspector has discretion. They are looking for repeatability, etc.

**New Mexico:** We require an NTEP CC.

**Oregon:** Yes, except we will allow the use of a hopper cradle type scale so long as the hopper fits within the dimensions of the scale.

**Utah:** Have many hoppers that have been grandfathered in, but new systems need to have NTEP approval.

2. Would your state accept a 200,000lb x 10lb vehicle scale if HB44 was modified to allow more than 10,000 divisions and NTEP tested and approved the device?

**Alaska:** Yes, would accept it if HB44 was modified. Tolerances would have to be modified, though.

Arizona: If Handbook 44 were modified to allow more than 10,000 divisions, and the device received an NTEP Certificate of Conformance, we would allow this type of device. However, we would need to conduct a rulemaking to adopt the edition of Handbook 44 that contains the associated changes.

California: Yes, NIST Handbook 44 must be appropriately amended along with NCWM Publication 14, and the scale system must successfully complete type evaluation.

Colorado: Yes.

Idaho: Yes.

Montana: Would allow it if it met all the criteria.

Nevada: Yes.

New Mexico: Yes. Would have to adopt most-current HB44.

Oregon: Yes, though we have some concerns about stability of indication when the scale is operated out in the elements.

Utah: Yes if it meets all the criteria.

3. Does your State have any rules/regulations governing "Portable" Vehicle Scale installations?

Alaska: We only certify portable vehicle scales for up to 6 months. We also follow HB44 for guidance on portable vehicle scale installations: Section 2.20. Scales, UR.2.5. Access to Weighing Elements and UR.2.6.1. Vehicle Scales.

Arizona: We do not prohibit them; however the device must meet the same requirements as a permanent installation; must meet HB44 and have an NTEP CC. Device also must be licensed; only have annual license - no provisions for temporary licenses.

California: No. California weights and measures does not have any special rules or regulations governing "portable" vehicle scales. However, other regulatory entities such as CalTrans *may* have specific requirements for portable vehicle scales used in their applications.

Colorado: No

Idaho: No requirements outside the manufacturer's requirements. However, my experience has found little guidance from scale manufacturers on requirements governing how a portable scale is to be installed. I would like to see scale manufacturers identify installation requirements on the COC or online for all portable scale installations.

Montana: We do have a 6-month program, but you have to license the scale for full a year. We have road construction crews that have these. The trend is to not use them for selling, but to use them to avoid overloading trucks. Since they not selling over the scale, they do not get licensed. If selling they are selling over the scale, they get licensed and certified. Portable stock scales are also used for ranching; we have about 100 of those. You get a license for a full year and certified. You have to certify a livestock scale every 6 months. Some are portable and some are not. We have a mess, frankly.

Nevada: We do not have any regs for portable scales – we treat them the same as permanent scales. They are used in highway construction and mines. As far as inspection and fees; we treat them as

special installations – we have a separate fee schedule set by the Department of Transportation. The scale itself must be certified by State W&M Department.

**New Mexico:** The company must be licensed and bonded; we require an annual registration. A Weighmaster is also required and must also be registered. We follow HB44 requirements like a permanent scale.

**Oregon:** See UR.2.6.1. for scales installed for a period of time less than 6 months.

**Utah:** No specific laws for portable scales. We follow manufacturer recommendations. A question we have: When is it not portable? We see installations that leave them in place too long.