



## **State Directors Breakfast Questions and Responses Regarding NTEP Issues 2007**

### **ATTRIBUTABLE RESPONSE VERSION**

For the past several years, the Scale Manufacturers Association and the National Conference on Weights and Measures have hosted breakfast meetings at the regional Weights and Measures association venues throughout the year. Each year we have asked for candidate questions from SMA, NIST/OWM, NCWM, and State Directors.

The candidate questions were balloted and scored by degree of interest. We then selected the top three or four questions to ask that year. In order to ascertain the degree of uniformity and interpretation of selected W&M practices, the same questions are asked at each regional meeting.

We have published the composite of the responses to the 1997 through 2006 questions. They are available for review or download as PDF Files on the SMA Web Site at [http://www . scalemanufacturers.org](http://www.scalemanufacturers.org).

**This document covers the three questions asked at the four regional W&M Conferences in 2007.**

This document is provided as a free service by the Scale Manufacturers Association in support of the continuing education effort required to insure the success of the National Type Evaluation Program.

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## 2007 STATE DIRECTORS NTEP QUESTIONS

### **QUESTION ONE:**

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Many states have “weighmaster” laws and/or regulations that govern the public weighing of vehicles, property, produce, commodities, or articles that are being bought or sold. Generally, a public weighmaster is required to keep and preserve for a period specified in the regulations a legible copy of each scale ticket issued by him or her. How long does a business/device owner have to maintain a copy in your state?

### **QUESTION TWO:**

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Is your jurisdiction testing Class II balances that have the Prescription Counting Feature? Has your jurisdiction found any problems with these devices or do you have a problem with availability of the proper test weights to do the test?

### **QUESTION THREE:**

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Handbook 44 has requirements for construction of a Vehicle Scale Pit. Does your State have additional requirements that are not in Handbook 44?

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

### **QUESTION ONE - 2007**

Many states have "weighmaster" laws and/or regulations that govern the public weighing of vehicles, property, produce, commodities, or articles that are being bought or sold. Generally, a public weighmaster is required to keep and preserve for a period specified in the regulations a legible copy of each scale ticket issued by him or her. How long does a business/device owner have to maintain a copy in your state?

#### **Central Weights and Measures Association Responses**

ILLINOIS - We have no weighmaster law and therefore have no requirement in this regard.

IOWA - We have no weighmaster law.

KANSAS - We have no weighmaster law.

MINNESOTA - We have no weighmaster law.

MISSOURI - We have no weighmaster law.

NEBRASKA - We have no weighmaster law but records are required to be maintained for a period of three years. This includes weigh tickets.

OHIO - We have no weighmaster law but, for livestock and animal scales, the establishment has to provide a list of those taking the weighments and records must be maintained for a period of two years.

SOUTH DAKOTA - South Dakota has adopted Handbook 130 with the exception of the Uniform Weighmaster Law and Uniform Unit Pricing; therefore, there are no statutory requirements for maintaining a legible copy of each scale ticket.

WISCONSIN - We have no weighmaster law but tickets must be maintained for bulk deliveries.

#### **Northeast Weights and Measures Association Responses**

CONNECTICUT - One year

MAINE - A minimum of one year

MASSACHUSETTS - They must keep all records for one year.

NEW HAMPSHIRE - Two years

NEW JERSEY - Weighmasters must retain records of all public weighings for a period of not more than six years.

NEW YORK - - Our law requires they keep tickets for 1 year and they must be open to inspection by W&M officials. We have encouraged our inspectors to look at tickets issued by licensees to verify that they are being properly filled out and kept as per the law. We try to do that during vehicle scale inspections or other inspections at these facilities. We have found and corrected several problems using this approach.

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

PENNSYLVANIA - Weighmasters must keep the weighttickets on file for two years.

RHODE ISLAND

VERMONT - One year.

### **Western Weights and Measures Association Responses**

ALASKA - We have no weighmaster law and therefore have no requirement in this regard.

ARIZONA - A Public Weighmaster shall maintain a legible copy of each weight certificate issued at each scale location for a minimum of one (1) year.

CALIFORNIA - Pursuant to CA Business and Professional Code, Division 5, Chapter 7, Section 12716, a weighmaster must maintain a copy of all scale tickets issued by them for four (4) years.

COLORADO - Section 35-14-122 of the Colorado Measurement Standards Law requires all scale tickets issued by a public weighmaster to be maintained for a period of two (2) years.

IDAHO - Our Weighmaster Law does not specify a time frame for maintaining scale tickets; however, Idaho Code 71-240, Delivery In Bulk, is being amended to require scale tickets be retained for three (3) years.

MONTANA - We have no weighmaster law.

NEVEDA - Weighmasters must keep scale tickets on file for a period of 4 years. NAC 582.070 (3)-3 years

NEW MEXICO - Our weighmaster law requires scale tickets to be maintained for a period of one year.

OREGON - We have no weighmaster law.

UTAH - We have no weighmaster law.

WASHINGTON - Our weighmaster law requires scale tickets to be maintained for a period of one year.

### **Southern Weights and Measures Association Responses**

ALABAMA - We have a Weighmaster Law, but there is no time requirement for maintaining records.

ARKANSAS - We have no weighmaster law but require that all records be kept for a period of three years.

DELAWARE - We have a Weighmaster Law and it requires a permanent record of each weigh ticket issued.

FLORIDA - We have no weighmaster law.

GEORGIA - We have a Certified Public Weighers Act, but there is no time requirement for maintaining records.

KENTUCKY - We have no weighmaster law.

MARYLAND - We have no weighmaster law.

MISSISSIPPI - We have a weighmaster law and records must be maintained for one year.

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

NORTH CAROLINA - We have a weighmaster law. Records are to be maintained for a period of three years.

OKLAHOMA - We have no weighmaster law.

SOUTH CAROLINA - We have a weighmaster law but there is no requirement for the length of time the records must be maintained.

TENNESSEE - We have a weighmaster law and require that the records be maintained for a period of one year and made available during normal business hours.

TEXAS - Records must be maintained for two years.

VIRGINIA - We do have a weighmaster law and a licensed public weighmaster shall keep and preserve a copy of each weigh certificate for at least one year.

WEST VIRGINIA - We have no weighmaster law.

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

### **QUESTION TWO - 2007**

Is your jurisdiction testing Class II balances that have the Prescription Counting Feature?  
Has your jurisdiction found any problems with these devices or do you have a problem with availability of the proper test weights to do the test?

#### **Central Weights and Measures Association Responses**

ILLINOIS - No, we do not test these devices.

IOWA - We do not test these devices.

KANSAS - We do not test these devices.

MINNESOTA - We do test Class II devices but have not encountered any problems.

MISSOURI - Yes, we test Class II devices but consider prescriptions to be a packaged item.

NEBRASKA - Yes, we test Class II devices but we do not check the counting feature.

OHIO - We test only upon the request of the device owner. We tested 217 scales used to weigh precious metals and jewelry last year.

SOUTH DAKOTA No N/A David Pfahler, Dir.

WISCONSIN - We check packages for prescriptions. Some of our jurisdictions do test the scales, however.

#### **Northeast Weights and Measures Association Responses**

CONNECTICUT - Yes and no.

MAINE - We do not test these devices in the field as we do not have proper classified weights suitable for field use. Typically these device owners submit check weights to our metrology lab for annual certification and they perform routine self verification testing for comparison purposes. If they find a device in error they have the device serviced.

MASSACHUSETTS - We have a number of these balances currently being used. We use Class 4 stainless steel weight sets which according to our Metrologist are sufficient for field tests.

NEW HAMPSHIRE - No

NEW JERSEY - New Jersey Weights and Measures Officers have been inspecting and testing Class II balances, equipped with a Counting Feature, for the past few years without any significant problems.

NEW YORK - Yes we test these devices. I have no reports of any significant failures. However, I do not have full knowledge of any complaints or issues uncovered by local inspectors. We have a longer history with these devices than many states and presently work under a MOU with our Pharmacy Board where we share responsibility for testing. Several years ago we purchased several Class F1 test weight kits that we share with local programs. These have worked out very well and we have great confidence in our tests as a result. The newer electronic scales can actually detect errors in older Class F weight kits.

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

PENNSYLVANIA - We haven't tested any class II balances with prescription counting features

RHODE ISLAND

VERMONT - We will test on request. No problems that I am aware of.

### **Western Weights and Measures Association Responses**

ALASKA - We do not test these Class II devices as "legal for trade" devices. The Method of Sale for pills requires sale by count.

ARIZONA - The Department does not license or inspect pharmacy scales. Those devices fall under the jurisdiction of the Board of Pharmacy (BOP). However, the BOP approached the Department and requested assistance in verifying the accuracy of the counting feature on these scales. We found a number of violations including performance errors.

CALIFORNIA - Only two county jurisdictions indicated they tested the prescription counting feature on pharmacy balances; no problems were reported with these devices. The availability of certified field standards used for testing Class II scales should improve since the state metrology lab has regained its ability to certify ASTM Class 2 and 3 standards after moving into a new facility.

COLORADO - Section 35-14-126 of the Colorado Measurement Standards Law exempts pharmacy scales with a capacity of four (4) ounces or less. If the device is not exempted by law we have the proper field standards to conduct inspections.

IDAHO - We have tested very, very few Class II balances. Our metrology laboratory provides "correction" factors to be used with our Class F field standards.

MONTANA - We do not test these devices.

NEVEDA - We do not test these devices. We do not have field test weights of sufficient accuracy to test Class I or II scales. It has been recommended to owners of these scales that a scale company with proper accuracy class weights test their scales, or to obtain proper accuracy class weights themselves and submit them to this lab for calibration. They could then use those weights for certification of their scale. None of these are in commercial use at this time - they are mostly prescription or lab scales.

NEW MEXICO - No, we do not test these devices.

OREGON - No, we do not test these devices.

UTAH - We do not test these devices.

WASHINGTON - No, we do not test these devices.

### **Southern Weights and Measures Association Responses**

ALABAMA - No, we do not test these devices.

ARKANSAS - No, we do not test these devices.

DELAWARE - No, we do test these devices.

## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

FLORIDA - Yes, but we have reduced the level of testing because of the high compliance rate (approximately 99%). We do a random selection of ten percent of existing devices and all new devices for testing.

GEORGIA - No, we do not test these devices.

KENTUCKY - No, we do not test these devices.

MARYLAND - Yes, we have purchased appropriate test standards and test these devices.

MISSISSIPPI -

NORTH CAROLINA - No, we do not test these devices.

OKLAHOMA - No, we do not test these devices.

SOUTH CAROLINA - No, we do not test these devices.

TENNESSEE - No, we do not test these devices.

TEXAS - We don't test them.

VIRGINIA - We don't test them.

WEST VIRGINIA - Yes, we test Class II devices.



## State Directors' Breakfast Questions and Responses Regarding NTEP Issues

### QUESTION THREE - 2007

Handbook 44 has requirements for construction of a Vehicle Scale Pit. Does your State have additional requirements that are not in Handbook 44?

#### Central Weights and Measures Association Responses

ILLINOIS - Yes, we do maintain certain requirements for vehicle scale pits. There must be a minimum of 32 inches between the bottom of the I-beam and the floor surface and the pit must have a concrete floor with proper drainage. Contact us directly for more information.

IOWA - Yes, we also have a set of requirements for scale pits: I believe it must be a monolithic pour with a minimum of 48 inches of clearance between the pit floor and structure and the walls, floor, and approaches must be a minimum of 12 inches in thickness.

KANSAS - We have no special requirements beyond those recommended by the scale manufacturer. We do require that the pit plans be submitted to us for review prior to construction.

MINNESOTA - Yes, we have some special requirements one of which is for a minimum of 48 inches of clearance between the pit floor and the weighbridge. See attached requirements.

MISSOURI - Yes, we require a minimum of 32 inches of clearance between the pit floor and weighbridge structure. Details are given on our website.

NEBRASKA - Yes, the details can be found on our website.

OHIO - No, we have no special requirements.

SOUTH DAKOTA South Dakota's requirements are generally consistent with HB 44; however, we do require the inclusion of a printer for ALL vehicle scales. David Pfahler, Dir. South Dakota's scale pit requirements are covered by Administrative Rule as follows:

*20:01:03:03. Scale pit requirements. The foundation and supports of a scale installed in a fixed position shall consist of reinforced concrete with steel angle iron copings around the inside top edge of pit walls.*

*Weight-indicating elements, such as weighbeams and dials, must be mounted on concrete.*

*A slab floor must be installed. The floor must be at least 12 inches thick with a minimum of grade 40 reinforcing rod running into all piers and side walls, installed according to the manufacturer's specifications. Side walls must be 12 inches thick and end walls must be 16 inches thick, must be mounted on a slab floor, and must have a minimum of grade 40 reinforcing rods installed according to the manufacturer's specifications. However, livestock scale end walls may be 12 inches thick. Piers must be level and to the correct elevation.*

WISCONSIN - Yes, we issue permits prior to the construction of a scale pit and perform inspections. See additional information provided.

# State Directors' Breakfast Questions and Responses Regarding NTEP Issues

## **Northeast Weights and Measures Association Responses**

CONNECTICUT - No.

MAINE - We follow HB 44 and manufacturer specs for installation requirements.

MASSACHUSETTS - We do not have any additional requirements on the state level. However, local building departments could have additional requirements of which we are unaware.

NEW HAMPSHIRE - No

NEW JERSEY - New Jersey does not have additional requirements concerning the installation of a Vehicle Scale Pit.

NEW YORK - We have no specific pit requirements and think those unnecessary since pit scales (mostly mechanical lever technology) are becoming rare. We have adopted and published administrative policies explaining our interpretation of the approach requirements. Those guidelines include the text of HB44 UR.2.6. and pictures and text describing how we interpret it. That includes a ½ inch per foot slope limit after the first 10 feet of approach. The written policy has eliminated many arguments and can be quickly faxed or emailed to any prospective scale buyer. The scale companies seem to appreciate how the policy has leveled the playing field when bidding for new installations.

PENNSYLVANIA - We use Handbook 44 for vehicle scale installations

RHODE ISLAND

VERMONT - No. Pit requirements in H-44?

## **Western Weights and Measures Association Responses**

ALASKA - We follow HB 44 and installation requirements recommended by the scale manufacturer.

ARIZONA - Scale Pit Requirements are as follows: R20-2-204. Livestock and Vehicle Scale Installation

- A. Portable livestock and portable vehicle scales shall be designed to be moveable from one location to another.
- B. Portable scales and low-profile electronic scales shall be accessible for maintenance.
- C. Notwithstanding Handbook 44, vehicle and livestock scales installed above ground shall have 2 feet minimum clearance from the bottom of the lowest platform support girder to the ground.
- D. Notwithstanding Handbook 44, vehicle and livestock scales, installed with a pit, shall have 2 feet minimum clearance from the bottom of the main girder that is lowest in platform support to the pit floor.

CALIFORNIA - We have no additional requirements to those in HB44, Scales Code (2.20) U.R.2. Installation Requirements.

COLORADO - Regulation 6. Scale Pits

1. Pit Depth
  - 1.1 Vehicle or livestock scales, which require a pit, shall be placed in a pit where the clearance from the floor of the pit to the bottom of the I-beam is not less than 36 inches.

IDAHO - We have no additional requirements other than HB 44.

MONTANA - No, we have no special requirements.

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NEVEDA - We follow HB44 and manufacturer specifications for installation requirements. Installers of a permanent vehicle scale must comply with HB44 as well as the manufacturers recommended design.

NEW MEXICO - We follow HB44 requirements.

OREGON - No, we have no special requirements other than HB44.

UTAH - We use Handbook 44 for vehicle scale installations

WASHINGTON - We follow HB 44 and manufacturer specifications for installation requirements.

### **Southern Weights and Measures Association Responses**

ALABAMA -

ARKANSAS - We have no additional requirements.

DELAWARE - We have no additional requirements.

FLORIDA - No, we have no additional requirements.

GEORGIA - No, we follow HB 44 and the manufacturers' recommendations.

KENTUCKY - No, we follow HB 44 and the manufacturers' recommendations.

MARYLAND - No, we have no additional requirements.

MISSISSIPPI -

NORTH CAROLINA - The only thing we have is a requirement on the slope of the approaches to the scale. The slope can be no more than ½ inch or rise per foot of run on the ten feet of approach adjacent to the scale platform.

OKLAHOMA - No additional requirements. We follow HB 44 and the manufacturers' recommendations.

SOUTH CAROLINA - No, we follow HB 44 and the manufacturers' recommendations.

TENNESSEE - No, we have no additional requirements

TEXAS - We have no additional requirements.

VIRGINIA - We have no additional requirements.

WEST VIRGINIA - We follow HB 44 and the manufacturers' recommendations for vehicle scale installations. We do require that the scale approaches beyond the first level ten foot have a slope of ½ inch per foot.



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