



SCALE MANUFACTURERS ASSOCIATION

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2023 SMA Questions for State Directors

These questions will be asked at each of the four regional Weights and Measures Meetings in 2023. 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. How does your State plan on training weights and measures inspectors and/or authorized service groups in testing and certifying Single Draft WIM scales when placing into service Legal For Trade, especially if they do not use the most current version of HB44?

Alabama	No response
Alaska	No WIM systems currently installed. They do adopt the most current HB44.
Arizona	No response
Arkansas	Has no plan on how to test scale and has no scale installed in state. Inspectors will be on site at the first installation and would like to have a seminar. State adopts the most current version of HB44. The state is not following HB44 exactly but is expecting service agencies to do so.
California	<p>The State of California adopts by reference the most current version of National Institute of Standards and Technology (NIST) Handbook (HB) 44 with some additions and some exceptions.</p> <p>The California Department of Food and Agriculture, Division of Measurement Standards (CDFA DMS) administers the State's Registered Service Agency (RSA) program which registers agencies and their personnel (agents). Through this registration process, agencies are required to provide proof of sufficient standards for the device types that they intend to install, service,</p>

	<p>and/or repair and the agents are required to pass an examination demonstrating competence in California laws and regulations, including the requirements of NIST HB 44 as adopted. CDFA DMS does not provide training to RSAs on the test methods for specific device types.</p> <p>Until specific training on Weigh-In-Motion (WIM) devices is provided by NIST Office of Weights and Measures (OWM), CDFA DMS and county weights and measures officials will witness the testing of a WIM device by a Registered Service Agent (RSA). The certification or failure of the WIM device will be based upon the compliance of the device to all applicable requirements.</p> <p>It would be very beneficial if the WIM manufacturer provided hands-on demonstrations to both California weights and measures officials and registered service personnel regarding the operation of their device. This hands-on training could then contribute to preparations of future trainings for CDFA DMS and county weights and measures officials regarding WIM devices.</p>
Colorado	Echoed California's comments. They don't require RSA testing. Would like a manufacturer demo for witness testing.
Connecticut	No response
Delaware	Issue has not been discussed to date. Current HB44 is adopted.
Florida	No plan has been developed but a program will have to be created. The installer is expected to do the testing. Current HB44 is adopted.
Georgia	Georgia will train our inspectors using Handbook 44 guidelines as well as any Georgia laws and regulations that pertain to scales. If the scale has a NTEP coc and passes our inspection it will be placed into service.
Hawaii	No response
Idaho	No response
Illinois	Follow HB44. 1. Send inspector, DR would decide, work with inspectors and contact manufacturer
Indiana	Can't answer. Have problem with hiring inspectors. HB44
Iowa	No response
Kansas	HB 2012 version. Working on updating legislation. Training fall

	on me. No field experience.
Kentucky	Service agency is to install the device to manufacturers specifications. State will attend the testing.
Louisiana	Our Scale Program Manager will summarize the specific test procedure requirements in HB44 for that type of device, provide or require the business to provide the proper test equipment such as multiple big trucks and potentially a static scale, and then do trial and error on site with the HD inspectors until we find a test procedure and inspection process that works for the ease, timeliness, and convenience of all parties.
Maine	No response
Maryland	Current HB44 is adopted. No device is installed in the state. If one is placed in service, the state will attend.
Massachusetts	Adopting newest version as of Jan 1. Officially testing is done by official W&M. Trying to train all inspectors will all new techn. Looking for asst. from SMA
Michigan	No plan yet. Adopted 2023
Minnesota	No plan. Are on 2023. Requirement that manufacturer submit checklist and plan.
Mississippi	Mississippi by statute adopts the most recent version of Handbook 44, therefore the test procedures listed in Section 2.20 Scales, N.7. Weigh-in-Motion Vehicle Scales Test Procedures are applicable. Those procedures would be followed as closely as possible to conduct hands-on training of inspectors. Our staff does not train service technicians; however, we would welcome their observation and participation.
Missouri	Adopt 2021. Up to large scale inspector. Have to change each year.
Montana	No response
Nebraska	No plan. 2019 version.
Nevada	Same as California/Colorado. No training with RSA's. They want a manufacturer to come out.
New Hampshire	NIST adopts H44 and would follow guidelines.
New Jersey	Same as NIST adopts as of Jan 1 st . Allowed to place in service then return them. Business must be registered by State.
New Mexico	For now will witness testing, until nist provides training or manufacture training

New York	Does not adopt H44 automatically. Train own inspectors and does not acknowledge service companies
North Carolina	Current HB44 is adopted. The state is planning to learn at 1 st install and will witness the testing.
North Dakota	No response
Ohio	On HB44 2018 , couldn't prohibit but would refer to the 2023 version to guide testing
Oklahoma	No response
Oregon	They currently use the 2010 version of HB44. No RSA program and no training for service agents. They don't have any WIM systems yet and would tackle it when the first one arrives.
Pennsylvania	Adopts H44 as of Jan 1. Same as NIST adopts as of Jan 1 st . Allowed to place in service then return them. Business must be registered by State.
Puerto Rico	No response
Rhode Island	No Response
South Carolina	Government has put current HB44 in service, no FDWIM device installed. Will write their own rules on how to test.
South Dakota	No response
Tennessee	Current HB44 is adopted. Service agencies are expected to follow HB44. The state will witness testing.
Texas	In Texas, Weights and Measures inspectors probably wouldn't be testing or certifying these single draft WIM scales as they would be primarily used for law enforcement, unless we saw a shift in commercial use for these use. At that point we would use HB44 testing procedures, as Texas does use the most current version of the Handbook. As far as training, Texas does hold statewide trainings every 2-3 years for inspectors.
Utah	No response
Vermont	No response
Virginia	Current HB44 is used. No devices installed, looking for industry training and will witness testing. Does not train service agencies.
Washington	No response

West Virginia	Current HB44 is active. Service technicians need to know test procedures. The state certifies 1 st install and will use it for training and develop test procedure.
Wisconsin	No response
Wyoming	Similar to California. They have a Service Tech program but no training. There are no WIM systems in Wyoming yet, although they are familiar with WIM on rail scales. They would like to have a manufacturer come and train personnel. They do not automatically adopt the most current HB44, and are currently using 2017.
District of Columbia	No response
Virgin Islands	No response

General Comments: WWMA would like to have a manufacturer come out to a customer install for a WIM system and would invite all the states for a demo and approval test.

2. How is this Handbook 44, Section 2.20 User Requirement interpreted? Who defines what constitutes a change beyond manufacturer's specifications? Would the NTEP CC be the best place to define this?

UR.4.3. Scale Modification. – The dimensions (e.g., length, width, thickness, etc.) of the load receiving element of a scale shall not be changed beyond the manufacturer's specifications,....

Alabama	No response
Alaska	The state Director has the authority to decide what is acceptable. He didn't think this would be a problem if it came down from a corporation.
Arizona	No response
Arkansas	Concerned about this change and would consider it a significant modification. No modifications are allowed that the NTEP CC does not cover.
California	Based upon NIST Handbook 44, 2.20. Scales, UR.4.3. Scale Modification, in its entirety, California Department of Food and Agriculture, Division of Measurement Standards (CDFA DMS) interprets this to mean that it is prohibited to alter a weighing device based upon the

	<p>manufacturer's design specifications in one or both of the following ways:</p> <ol style="list-style-type: none"> 1. Dimensions of the load receiving element's length, width, thickness, internal support structure (of the load receiving element only), etc.; 2. Replacing or modifying the original primary indicating or recording element to increase the capacity of the scale beyond what the manufacturer designed it for <u>except</u> when explicitly approved by a competent engineering authority, preferably that of the scale manufacturer's engineering department and by the weights and measures authority with jurisdiction over the scale. <p>California Code of Regulations (CCR) requires that weighing devices used for commercial purposes in the state be issued either an NCWM National Type Evaluation Program Certificate of Conformance (NTEP CC) or a California Type Evaluation Program Certificate of Approval (CTEP COA).</p> <p>CDFM DMS considers the applicable type evaluation certificate to be integral in determining manufacturer specifications regarding 2.20. UR.4.3. There are instances where other means of collecting data (e.g., literature provided by the manufacturer of the scale and/or consultation with a representative of the manufacturer – ideally an engineer) may be considered; however, in general the limitations identified by type evaluation certificate are recognized as the limitations of an acceptable installation.</p> <p>CDFM DMS prohibits the scale to be modified beyond its type evaluation except when the modification <u>components</u> have, in and of themselves, an NTEP CC or CTEP COA for the specific application to the scale and are of the same metrological function of the components that they are replacing (e.g. a metrologically equivalent load cell replacement without any further modification to the load-receiving element).</p> <p>CDFM DMS uses NCWM Publication 14 as a guide in its decision making when determining what is an appropriate modification.</p>
Colorado	They would start by reviewing the CC. Is the modification significant. They would reach out to the manufacturer for

	their opinion on whether the mod was significant.
Connecticut	No response
Delaware	Agrees with Arkansas. Changes must not affect the scale.
Florida	Decides on a case-by-case basis. If not tested a modification is questioned.
Georgia	We can write a waiver if we deem necessary for certain requirements as long as it does not effect the performance of the scale. Yes, we think this would be the best place to define this. If there were any questions or concerns about the scale, it would be simple enough to look up the certificate of conformance for this type of information.
Hawaii	No response
Idaho	No response
Illinois	Send inspector, DR would decide, work with inspectors and contact manufacturer
Indiana	No response
Iowa	We wouldn't allow it. NTEP would be the best place to handle it. We don't h We wouldn't allow it. NTEP would be the best place to handle it. We don't have to resources to go out and inspect.
Kansas	Add rack to vehicle scales to make a livestock scale, don't always get to those, grant variances in certain cases, try to adhere to manufacturers design, NTEP doesn't want that, but that where we look.
Kentucky	Would call manufacturer to see what they think. Would like to see allowable changes on the NTEP CC.
Louisiana	Our understanding of this is that the "User Requirement" is a guideline for users of weighing devices with the parameters for modification defined by the local Weights & Measures jurisdiction, using the scale manufacturer's original specifications, HB 44, and the NTEP Certificate. Regarding what constitutes a change beyond the manufacturer's specifications, this typically refers to any alteration or modification that goes beyond what the manufacturer originally designed or recommended for the scale, it's

	<p>original factory state. It's essential to follow the manufacturer's guidelines for installation, maintenance, and additional accessories to ensure the scale's accuracy and reliability. I would love the NTEP Certificate to provide information about the manufacturer's specifications and any permissible modifications, options, additions, or alterations. We always look to the NTEP CC first, when evaluating any type of modification and recommend it to scale companies and owners, as well, as a reference document that outlines the approved specifications and conditions for the use of the scale.</p>
Maine	No response
Maryland	Same as Georgia, would look at the intention of the device and change and decide.
Massachusetts	Agrees more information should be on the CC regarding installation instructions and aspects.
Michigan	Confused about the question. Any change outside the range what the scale gets rejected. NTEP CC leading
Minnesota	Greg would be the person to decide. Ask manufacturer if change is allowed. If so, grant a variance.
Mississippi	Having authority over scales used in commerce within our jurisdiction, we would make the decision based on the individual circumstances. Some considerations would be the modifications made, any input from the manufacturer, and the contents of the relevant NTEP CC. Yes, our opinion is that the NTEP CC is the best place to define load receiving element dimensions and options.
Missouri	Inspector in the field decides. Director work with manufacturer and looks at NTEP CC. Make sure it is not installed.
Montana	No response
Nebraska	Device must be installed according manufacturers specs and HB
Nevada	They've had something similar on onion farms where they add structure for holding the bags. They would conduct testing and as long as the performance was acceptable it would be OK.

New Hampshire	Would love to see more info in NTEP CC. Unsure sometimes of how to perform testing. Would like to see guidelines included regarding installation for example.
New Jersey	No response
New Mexico	NTEP CC first, recommend putting it on cc, need to look if it will negatively affect.
New York	No response
North Carolina	Would solicit the opinion of the manufacturer and look at the NTEP CC.
North Dakota	Needs to meet manufacturers specs. Then apply for variance
Ohio	Originated by a modified retail scale. NTEP had no problem and will not add to CC. Even if manufacturer allows it, it may not be approved. Huge grey area for Ohio
Oklahoma	No response
Oregon	They had a recent conversation about sacks of hazelnuts that was similar. In general, they would check the CC first to see if the L and W were adjustable and they typically allow 10% overhang. Is the modification attached – asking if the Load Receiving Element was modified and would it negatively affect performance. If the mod were on the CC that would be best. If the mod were within the overall external dimensions, they would likely allow it but would test with it in place.
Pennsylvania	No response
Puerto Rico	No response
Rhode Island	No response
South Carolina	Decides on a case-by-case basis and at the discretion of the director. Refers back to the NTEP CC if questionable.
South Dakota	No response
Tennessee	Refers to NTEP CC and manufacturer. Also investigates to see if there are similar cases already.
Texas	Any changes would be submitted for review to the program director, and ultimately the program administration. Any changes would be compared to the manufacturer's specifications, and any changes that were too extreme from the original spec sheet likely would not

	be approved.
Utah	No response
Vermont	Leary of recommending beyond manufacturers recommendations. Would tell the installer to reach out to the manufacturer regarding instruction.
Virginia	Refer to NTEP CC and contact manufacturer. Changes to devices are generally not accepted.
Washington	No response
West Virginia	If testing cannot be performed, the change is not allowed. The service company has to reach out to the manufacturer for approval of the change, otherwise the change is denied.
Wisconsin	No response
Wyoming	If something was simple they would test it as is. If major, they would work with the manufacturer to determine if it is acceptable. They'd experienced something similar at a laundromat with a small deck and a very large basket overhanging appreciably which they had to disallow. If the "fulcrum strips" were an option they'd suggest adding it to the CC. If there are too many options it could be difficult to add them all to the CC.
District of Columbia	No response
Virgin Islands	No response