

SEP 19 2022

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NEBRASKA ADMINISTRATIVE CODE

TITLE 27 - DEPARTMENT OF AGRICULTURE
CHAPTER 10 - WEIGHTS AND MEASURES REGULATIONS

AUG 15 2022

[Signature]

ASSISTANT ATTORNEY GENERAL

001 Administration. These regulations are administered by the Nebraska Department of Agriculture pursuant to the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103.

002 Definitions. In addition to the terms listed below, the definitions in the Act apply.

002.01 Act means the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103 including the handbooks adopted by reference in Neb. Rev. Stat. §89-186.

002.02 Applicant means a person seeking registration as a repair personnel or repair business.

002.03 Repair business means any person employing repair personnel.

002.04 Repair personnel means any individual who for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing and measuring device, and who voluntarily registers as such with the department.

003 Scales:

003.01 Scale owners will comply with the Act, maintain in their possession the manufacturer's plans for their scales and meet all of the manufacturer's specifications including those for installation. Failure to comply or to correct any installation characteristic adversely affecting performance subjects a scale to a stop-use, hold or removal order.

003.02 A suitable foundation includes:

003.02A An adequate bearing area stabilized at the desired grade (elevation) to support the load as specified by the scale manufacturer and if not specified, a bearing area supporting at least 3,000 pounds per square foot with the scale owner responsible for determining whether or not soil characteristics are appropriate for a particular design, and if not, for design modifications to suit the existing soil conditions;

003.02B Installation that supports the combined loads applied by the weight of the scale, the weighbridge, and the maximum anticipated load on the scale distributing loads evenly over the underlying ground so any settlement of the structure will be minimized and uniform throughout the structure and reinforced concrete poured to the depth of the local frost line of not less than four feet, if piers are listed in the manufacturer's specifications;

003.02C End walls of monolithic construction with the end piers or foundation and pit type scales with internal piers of monolithic construction with the pit sidewalls; and

003.02D Clearance (the distance measured from the bottom of the weighbridge main beams or supporting structure to the bottom of the pit or the top of the cleaning slab) on all scales not less than the scale manufacturer's specifications.

003.03 Appropriate floors and slabs are constructed as follows:

003.03A A pit floor, if installed, made of reinforced concrete sloping to a drain, a sump, or both, located in close proximity to the entrance of the pit keeping the scale pit clean and dry at all times;

003.03B A pitless or self-contained scale with a concrete or asphalt slab four inches thick below the weighbridge that is sloped to provide drainage and aid in cleaning and meet the scale manufacturer's specifications;

003.03C End walls and sidewalls for all vehicle, axle load, livestock and railroad track scales constructed in accordance with the Act and the manufacturer's specifications; and

003.03D Approaches constructed in accordance with the Act and the manufacturer's specifications. Scales installed in any one location for a period of six months or more will have not less than 10 ft. of any approach adjacent to the platform constructed of concrete or similar durable material to ensure that this portion remains smooth and level and in the same plane as the platform; however, grating of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale may be installed in this portion.

004 Standards Laboratory Operating Procedures.

004.01 Laboratory services are subject to the fees. The charges for laboratory services are based on secondary standards ready for certification not needing pre-calibration services.

004.01A Weights - Class F Tolerance Testing:

5 lbs. and under	\$6.25 per weight
Over 5 lbs. to and including 50 lbs.	\$8.50 per weight
Over 50 lbs. to and including 1,200 lbs.	\$23.50 per weight
Over 1,200 lbs.	\$80.00 per hour

004.01B Test Weight Kits - All Classes

Tolerance or Precision Testing	\$80.00 per hour
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004.01C Dry Measures or Liquid Measures

Less than 5 gallons	\$80.00 per hour
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004.01D Metal Volumetric Field Standards

5 to 25 gallons	\$51.00 per unit
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Over 25 gallons

\$80.00 per hour

004.01E Linear Measures, Pressurized Volumetric Standards, Pressure Standards and Gauges, all other laboratory services, and Pre-Calibration Services will be charged at a rate of \$80.00 per hour. Payment owed for any standard needing adjustment and retesting, cleaning, painting, or other pre-calibration services includes the costs of materials, in addition to the regular fees.

004.02 No secondary standard will be approved unless it meets the tolerances, design and construction provisions of the National Institute of Standards and Technology publication, Series 105-8, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*, as it existed on July 1, 2021 is adopted and incorporated herein by reference so long as not in conflict with the Act. If there is an inconsistency, the Act controls. A copy is attached to these regulations on the department's website at <https://nda.nebraska.gov/regulations/>.

004.03 Secondary standards determined unfit for approval are subject to rejection after testing and removal from service after notification to the owner.

005 Registered Repair Personnel.

005.01 The Director may enter into a reciprocal agreement with any other State to provide registration standards for applicants.

005.02 Repair personnel and repair businesses annually certify their compliance with these regulations and that they have access to all necessary testing equipment and standards.

005.03 Prior to initial registration, and at least every three years thereafter, repair personnel will pass an examination established by the Director to determine if they are qualified to sell, install, service, repair or recondition devices.

005.04 Registration.

005.04A The annual fee is forty-five dollars for all registered repair personnel. Repair businesses owe a fee of forty-five dollars times the number of employee repair personnel. If at any time during the year a repair business employs any additional repair personnel, the business will pay an additional forty-five dollars fee per additional employee.

005.04B The annual registration fee is due on January 31 of each year. Persons seeking registration at any time during the year pay the entire fee.

005.04C Upon payment of the annual registration fee and any change thereafter, a repair personnel business provides a list of all employee repair personnel.

005.04D An employee repair personnel will no longer be registered if he or she ceases to be employed by the original repair business. Any repair personnel changing employers or becoming self-employed will pay a new registration fee.

005.05 An applicant receives an annual Certificate of Registration when in compliance with these regulations which expires each year on January 31.

005.06 All work on weighing and measuring devices authorized by this section may only be performed by or under the direct supervision of a registered person except registered persons are not authorized to perform such work for any entity for which the registered person may have a conflict of interest. Registered persons have the authority to:

005.06A Remove an official rejection tag or mark placed on a weighing and measuring device by the department; and

005.06B Place in service, until such time as an official examination can be made, a new or used weighing and measuring device or one that has been officially rejected by the department.

005.07 Registered persons are responsible to adjust all devices as closely as practicable to zero error.

005.08 Placed in Service Reports may only be obtained from the department or may be replicated so long as the report is an accurate copy. Placed in Service Reports include the assigned registration number and be signed by the repair personnel actually performing the work. Repair personnel have twenty-four hours to mail or electronically submit the Placed in Service Report to the department.

005.09 Standards and Testing Equipment.

005.09A At least every twelve months, all field standards used for servicing, installing, repairing, reconditioning and testing weights and measures devices for which the competence of repair personnel will be submitted to the department to be verified as correct and calibrated.

005.09B Registered persons will use in servicing, installing, repairing or reconditioning commercial weighing and measuring devices any field standards or testing equipment that have been verified as correct and calibrated.

005.09C In lieu of submission of physical standards, the department may accept proper documentation that the standards being used have been verified as correct and calibrated by any laboratory that is formally accredited or recognized by the National Institute of Standards and Technology.

005.10 The Director may place a registered person on probation or suspend or revoke a Certificate of Registration if the Director finds that any registered person is not qualified to be registered, has failed to pay all fees due or has performed work which is not authorized. Proceedings to take any such action on a registered person may include the department mandating the removal of an individual from the list of employee repair personnel working for a registered repair business. The provisions for hearings and notice for permitholders under the Act apply to registered persons.

006 Annotation. Neb. Rev. Stat. §§89-182.01 to 89-1,103.

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