

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—[Weights and Measures] Weights, Measures and Consumer Protection
Chapter 21—Weighing and Measuring Devices

PROPOSED AMENDMENT

2 CSR 90-21.010 Registration of [Servicemen] Servicepersons and Service Agencies. The director is amending rule, deleting sections 1-13 and adding new sections 1-5.

PURPOSE: This amendment changes the rule to be more concise and easier for Registered Servicepersons and Service Agencies to understand. It includes a reference to the national standard to provide uniformity among neighboring states.

[(1) For identification purposes in this chapter, the Weights and Measures Division, Missouri Department of Agriculture, in this chapter shall be referred to as a publication of the division.

(2) It shall be the policy of the division to accept voluntary registration of an individual who provides acceptable evidence that s/he is fully qualified to install, service, repair or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders and rules; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. This policy in no way shall preclude or limit the right and privilege of any qualified individual or agency not registered with the division to install, service, repair or recondition a commercial weighing or measuring device.

(3) The term registered serviceman shall be construed to mean any individual who, for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device and who voluntarily registers him/herself as such with the division.

(4) The term commercial weighing and measuring device shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure and also shall include any accessory attached to or used in connection with a commercial weighing or measuring device when that accessory is so designed or installed that its operation affects, or may affect the accuracy of the device.

(5) The division may enter into an informal reciprocity agreement with any other state or states that has or have similar voluntary registration policies. Under this agreement, the registered servicemen of the states party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all states party to the agreement. The division may issue a list of all re-ciprocal states.

(6) An individual may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the division. The form, duly signed and witnessed, shall include certification by the applicant that the individual is fully qualified to install service, repair or recondition whatever devices for the service of which competence is being registered; has in possession or available for use all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders and rules. An applicant also shall submit appropriate evidence or references as to qualifications and a test based on the NIST Handbook 44, and Missouri law will be administered by the division to further evaluate knowledge. The applicant must possess a current copy of the NIST Handbook 44.

(7) Upon receipt and acceptance of a properly executed application form, the division shall issue a Certificate of Registration, to the applicant including an assigned registration number, which shall remain effective for two (2) years from date of issue.

(8) A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed by an authorized representative of the Division of Weights and Measures on those weighing or measuring devices for which they have been certified as fully qualified to install, service, repair or recondition; place in service, until that time an official examination can be made, a weighing or measuring device that has been officially rejected; and placed in service, until that time an official examination can be made, a new or used weighing or measuring device.

(9) The division shall furnish each registered serviceman with a supply of report forms to be known as Placing in Service Reports. These forms shall be executed in triplicate, shall include the assigned registration number and shall be signed by a registered serviceman for each rejected device restored to service and for each newly installed device placed in service. Within twenty-four (24) hours after a device is restored to service or placed in service, the original of the properly executed Placing in Service Report, a copy of the test report and the rejection tag shall be mailed to the Weights and Measures Division, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102. The duplicate copy of the report shall be handed to the owner or operator of the de-vices and the triplicate copy of the report shall be retained by the registered serviceman.

(10) A registered serviceman shall submit, at least biennially to the division, for examination and certification, any standards and testing equipment that are used or are to be used in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. In servicing commercial weighing or measuring devices, a registered serviceman shall not use any standards or testing equipment that have not been certified by the division. Testing of standards may be waived by the director if proof of calibration is supplied from a reciprocal state or a NIST/National Voluntary Laboratory Accreditation Program (NVLAP)-approved industry laboratory.

(11) The division, for good cause, after careful consideration and investigation, may suspend or revoke a Certificate of Registration.

(12) The division shall publish from time-to-time as deemed appropriate, and may supply upon request, a list of registered servicemen.

(13) If any provision of these rules is declared invalid, the validity of the remainder of these rules shall not be affected.]

- (1) **The rule for the Division of Weights, Measures & Consumer Protection for Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices shall incorporate by reference the section of the 2018 edition of NIST Handbook 130, entitled “Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices”.**
- (2) **Registration Fee. There is no registration fee for Servicepersons and Registered Service Agencies.**
- (3) **Placed in Service Report. Within 24 hours after a device is restored to service or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, shall be forwarded to MDA – Weights, Measures & Consumer Protection Division, PO Box 630, Jefferson City, MO 65102-0630 or faxed to 573-751-0281.**
- (4) **Certificate of Registration Exception. The “Certificate of Registration” will expire two years from the date of issuance.**
- (5) **NIST Handbook 130, 2018 Edition, is published by the Superintendent of Documents, U.S. Government Printing Office, and is available free of charge online at NIST.gov or a hard copy may be purchased from the National Conference on Weights and Measures at NCWM.net.**

AUTHORITY: section 413.065, RSMo 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Nov. 14, 1977, effective April 13, 1978. Amended: Filed May 17, 1988, effective Aug. 11, 1988. Emergency amendment filed July 27, 1995, effective Aug. 5, 1995, expired Dec. 2, 1995. Amended: Filed July 27, 1995, effective Jan. 30, 1996. *Original authority: 413.065, RSMo 1983, amended 1993, 1994.*

PUBLIC COST: The proposed amendment will not cost public entities more than five hundred (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to these proposed amendments with Mr. Ronald G. Hayes, Division Director, Weights, Measures and Consumer Protection Division, P.O. Box 630, Jefferson City, MO 65102 or online at Agriculture.MO.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*