



Notice of Intent to Adopt Rules

Revised July 2013

1. General Information

a. Agency/Board Name WYOMING DEPARTMENT OF AGRICULTURE		
b. Agency/Board Address 2219 CAREY AVE	c. City CHEYENNE	d. Zip Code 82002
e. Name of Contact Person SCOTT MCDONALD		f. Contact Telephone Number 307-777-3502
g. Contact Email Address SCOTT.MCDONALD@WYO.GOV		
h. Date of Public Notice 05/06/2014		i. Comment Period Ends 6/27/2014
j. Program GENERAL AGENCY, BOARD OR COMMISSION RULES		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Short Title:	New	Amended	Repealed
CHAPTER 18	WEIGHTS AND MEASURES, METROLOGY LABORATORY AND REGISTERED SERVICE TECHNICIANS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHAPTER 30	USER REQUIREMENTS FOR WEIGHTS AND MEASURES DEVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chapter Number:	Short Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c. The Statement of Reasons is attached to this certification.

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

- By contacting the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: <http://agriculture.wy.gov/component/content/article/34-agnews/308-noichap18-30>

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes:"	Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

- By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: <http://agriculture.wy.gov/component/content/article/34-agnews/308-noichap18-30>

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: <http://agriculture.wy.gov/component/content/article/34-agnews/308-noichap18-30>

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change *MEETS* minimum substantive statutory requirements.
- The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

- The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 - By contacting the Agency at the physical and/or email address listed in Section 1 above.
 - At the following URL: _____
- Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	SCOTT MCDONALD
Title of Authorized Individual	PROGRAM COORDINATOR
Date of Authorization	4/29/2014

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). *Optional:* electronic copies of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.



Wyoming
DEPARTMENT OF *Agriculture*

Matthew H. Mead, *Governor*
Jason Fearneyhough, *Director*
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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

STATEMENT OF PRINCIPAL REASONS

To comply with the Governor's mandate to review and revise rules and regulations in all of state government the Department of Agriculture is proposing to amend Chapter 18 and repeal Chapter 30 of the Department's Rules and Regulations. Other changes have been made to Chapter 18 in order to conform these rules to the Secretary of State's required format.

Equal Opportunity in Employment and Services

BOARD MEMBERS

Jana Ginter, *District 1* • Jim Hodder, *District 2* • Shaun Sims, *District 3* • John Moore, *District 4* • Alison Lass, *District 5*
Bryan Brost, *District 6* • Jim Price, Jr., *District 7*

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Chapter 18

WEIGHTS & MEASURES, METROLOGY LABORATORY AND REGISTERED SERVICE TECHNICIANS

Section 1. Authority. Pursuant to the authority provided by WYO. STAT. ANN. §§ 40-10-117 through 40-10-136, the Wyoming Department of Agriculture hereby promulgates and adopts the following regulations.

Section 2. Definitions.

(a) “The act” means Wyoming Statutes §§ 40-10-117 through 40-10-136.

~~(b) “Department” means the Wyoming Department of Agriculture.~~

~~(c) “Director” means the Director of the Wyoming Department of Agriculture.~~

~~(b)(d)~~ “Establishment” means a place of business at a single physical location.

~~(c)(e)~~ “Mobile establishment” means a transportable establishment which does not remain in a single physical location.

~~(d)(f)~~ “NIST” means the National Institute of Standards and Technology.

~~(e)(g)~~ “Premise and inspection location” means the physical location of an establishment or device that is unique by address and may be different than the address of record for management.

~~(f)(h)~~ “Point-of-sale system” means any combination of a cash register or other devices, or system, such as a scanner, capable of recovering stored information related to the price or computing the price of any individual item which is sold or offered for sale at retail.

(g) “Scale Approach” means an area adjacent to the load-receiving element on either end of the scale which provides access to the scale.

~~(h)(i)~~ “Special event” means a farmer’s market; a local community event; a fair, exposition, or trade show; or other venues open to the public for specified limited periods of time.

Section 3. Technical requirements for weighing and measuring devices, uniform regulation for national type evaluation, and checking the net contents of packaged goods.

(a) The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the ~~2009~~ 2014 Edition of the United States Department of Commerce National Institute of Standards and Technology

Handbook 44, "Specification, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," are adopted and shall apply to weighing and measuring devices in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

~~(i) These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.~~

(b) The Uniform Regulation for National Type Evaluation as adopted by the National Conference on Weights and Measures and published in the ~~2009~~ 2014 Edition of the United States Department of Commerce National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," is adopted and shall apply to type evaluation in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

~~(i) These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.~~

(c) Recognized weighing, measuring, inspection, and sampling procedures, adopted by National Conference on Weights and Measures and published in the Fourth Edition ~~2014~~ 2005 of the United States Department of Commerce National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods," are adopted and shall apply to package check weighing in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

~~(i) These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.~~

(d) The Department shall review the version of the above handbooks annually printed by the United States Department of Commerce National Institute of Standards and Technology and determine if this section of the rules should be amended to adopt the current version.

Section 4. Exemptions. The following are deemed appropriate to the maintenance of good commercial practices within Wyoming and exempt from the provisions of the act and these regulations.

~~(a) The following are deemed appropriate to the maintenance of good commercial practices within Wyoming and exempt from the provisions of the act and these regulations.~~

~~(a)(i)~~ Ticket printers on vehicle tank meters. Reference: National Institute of Standards Handbook - 44 Section 3.1 Vehicle Tank Meter (VTM) code (*Ticket Printer required*).

~~(i)(A)~~ This exemption applies to meters mounted on vehicle tanks such as those used for the measurement and delivery of petroleum products; agri-chemical liquids such as fertilizers, feeds, pesticides, and defoliant; and water delivered in bulk.

~~(ii)(B)~~ This exemption DOES NOT apply to the following:

~~(A)(1)~~ Devices used for dispensing Liquefied Petroleum Gases, Liquid Anhydrous Ammonia, or other liquids which do not remain in a liquid state at atmospheric pressures and temperatures.

~~(B)(2)~~ Devices used solely for dispensing a product if the amount dispensed does not affect cost to the customer.

~~(C)(3)~~ Vehicle tanks used as measures.

~~(D)(4)~~ Mass flow meters.

~~(b)(ii)~~ All delivery systems are subject to WYO. STAT. ANN. § 40-10-128;

~~(c)(iii)~~ The delivery ticket may be printed using a mechanical ticket printer on the meter, or may be handwritten in clear hand script if the system does not have a ticket printer.

~~(d)(iv)~~ All recorded representations shall show the following minimum information:

~~(i)(A)~~ The total volume of the delivery;

~~(ii)(B)~~ The unit price;

~~(iii)(C)~~ The total computed price;

~~(iv)(D)~~ The product identity by name; and

~~(v)(E)~~ The name, address, and phone number of the distributor.

~~(e)(v)~~ The Department will address all complaints on a case by case basis, and apply appropriate sanctions which may include, but not be limited to, revoking the exemption and requiring the immediate installation of mechanical or electronic ticket printers.

(f) Scale Divisions. Livestock Scales shall have a minimum division no greater than (5) pounds

(g) Environmental Protection. The indicating elements of a livestock scale and/or a large capacity vehicle scale, shall be enclosed in a house or structure of similar design that will prevent wind, moisture and other factors of weather from affecting the performance of the indicating element. Digital indicating elements may be excluded from this requirement, at the discretion of and upon written consent of the Wyoming Department of Agriculture.

(h) Scale Approaches.

(i) All entry areas to livestock scales shall ensure ease of access to the scale approach

(ii) On a livestock scale, there shall be a straight approach as follows:

(A) any approach adjacent of the load receiving element shall be of a width at least the width of the load-receiving element.

(B) Any approach adjacent to the load-receiving element shall be constructed of concrete or similar durable material and shall be designed to ensure any movement of the proper amount of test equipment onto and off the load-receiving element.

Section 5. Inspection and testing of weights and measures used commercially.

(a) Weighing and measuring devices shall be inspected and tested according to ~~the~~ following: a risk based schedule determined by the Director.

~~(i) Inspections in response to consumer complaints and requests for inspection shall be conducted as soon as practical following receipt.~~

~~(ii) The following establishments and devices or programs shall be inspected and tested annually:~~

- ~~_____ (A) Large Capacity Scales;~~
- ~~_____ (B) Mineral System Scales;~~
- ~~_____ (C) Livestock Scales;~~
- ~~_____ (D) Vehicle Tank Meters;~~
- ~~_____ (E) Liquefied Petroleum Gas Meters; and~~
- ~~_____ (F) Refined Fuel Loading Rack Meters.~~
- ~~_____ (G) Grain Moisture Meters~~

~~(iii) The following establishments and devices or programs shall be inspected and tested every three (3) years or more often as determined by a risk based system.~~

- ~~_____ (A) Small Capacity Scales;~~

- ~~_____ (B) Medium Capacity Scales;~~
- ~~_____ (C) Gas Pumps & Liquid Measuring Devices;~~
- ~~_____ (D) Package Check Weighing; and~~
- ~~_____ (E) Price Verification.~~

~~_____ (1) The following parameters are established to determine the risk based system interval of inspection and testing:~~

~~_____ (a) The Department will review the records of inspection and testing annually to determine the violation history and determine inspection intervals based on a 3 year average.~~

~~_____ (b) The establishments and devices with a violation history falling within the upper 1/3 of all violations shall be inspected annually.~~

~~_____ (c) The establishments and devices with a violation history falling within the middle 1/3 of all violations shall be inspected biennially.~~

~~_____ (d) The establishments and devices with a violation history falling within the bottom 1/3 of all violations shall be inspected triennially.~~

~~(b) Exceptions:~~

~~(i)(b) Exception.~~ The Department shall exercise no authority over weights and measures used pursuant to a written agreement between the parties using the weighing device.

(A) For a weighing device to be exempt from this section, parties must agree in writing to the use of the weighing device. Appendix A to these rules shows an example of a written agreement. Copies of the signed and dated written agreements shall be retained by the seller for a minimum of 2 years.

~~(B)(e)~~ No exception is granted to any device for transactions which are deemed to be in commerce in accordance with the United States Department of Agriculture, Packers and Stockyards Act, 1921.” (7 U.S.C. 181) and the Regulations Under the Packers and Stockyards Act (9 CFR PART 201).

~~(b)(ii)~~ Standards shall be inspected and tested ~~by the Department in the Weights & Measures Laboratory, 1510 E. 5th Street, Cheyenne, WY~~ as follows:

~~(i)(A)~~ Standards in possession and use by agencies of the state shall be inspected and tested annually.

~~(Cii)~~ Registered service technicians shall have their standards inspected and tested biennially by the Department, and will receive certification upon payment of the laboratory fees established in these regulations.

(Diii) All standards that are new, recently purchased, or have been damaged must not be used prior to inspection, testing, and approval by the Department.

(Eiv) Exceptions.

(A)1. Standards in possession and use by service technicians and that have been inspected and tested biennially by another recognized state laboratory or an NIST accredited private laboratory are acceptable for use in Wyoming and exempt from this section.

(B)2. Standards which are self-contained, such as coal mine hopper weights, shall be inspected and tested by the Department at a minimum of once every five (5) years.

Section 6. Registered Service Technicians.

(a) ~~Licensure Registration~~ of Weighing & Measuring Device Service Technicians. For the benefit of and as a convenience to the users, manufactures and distributors of weighing and measuring devices in the State of Wyoming, and those persons installing, servicing and repairing such instruments, the Department will accept applications for licensure of persons qualified to install, service and repair weighing and measuring devices.

~~(i) For the benefit of and as a convenience to the users, manufactures and distributors of weighing and measuring devices in the State of Wyoming, and those persons installing, servicing and repairing such instruments, the Department will accept applications for registration of persons qualified to install, service and repair weighing and measuring devices.~~

(b) Certification of Registered Service Persons / Technicians. Certification will be valid for a term of 3 years. If the registered service persons license is allowed to expire, suspended or otherwise allowed to lapse within this 3 year period certification will be invalidated.

(i) Certification shall be based on the following:

(A) Applicants ~~shall~~ ~~must~~ pass both a general written exam and a specialized exam in each area in which they will be doing service work;

(B) Applicants ~~shall~~ ~~must~~ provide evidence that they have received qualified training and appropriate experience;

(C) Applicants ~~shall~~ ~~must~~ provide evidence that they have the equipment required to repair and place devices into service.

(ii) Applicants shall successfully pass the general examination and the exam for each area in which they will be conducting service work with a 70% or better score. ~~Each applicant requiring examination or re-examination shall be required to take the examination at a time and place specified by and under the direction of the Director in accordance with the conditions and provisions herein. Applicants may be certified in more than one area.~~

(A) ~~Applicants shall be provided notification of the results of any examination within thirty (30) days.~~ Failure to receive a passing score on any examination shall require that the applicant be re-examined only in categories which he failed. Re-examination shall be completed within ninety (90) ~~thirty (30)~~ days of the receipt of notification of the examination results.

(B) Any applicant who fails to obtain a passing score on two (2) successive examination attempts is required to attend a training program for new service technicians approved by the Director prior to taking any examination a third time. ~~Documentation of additional training must be provided to the Department prior to a third or subsequent attempt to pass an exam.~~

~~(iii) Upon meeting certification requirements, applicants shall submit an application for licensing and a fee payable to the Wyoming Department of Agriculture. All fees submitted shall be non-refundable and deposited into the state general fund.~~

~~(A) The fee for Registered Service Person / Technician Certification is \$25.00.~~

~~(B) Examination fees are \$40.00 per examination.~~

~~(C) Employees of governmental entities are exempted from paying the fees, when the license is used in the performance of their official duties.~~

~~(iv) Registered Service Technician registrations expire March 31 of each year and may be renewed on an annual basis. Any registrations not renewed by March 31 are null and void and the former holder shall meet all requirements required to obtain an original registration.~~

~~(v) Applicants who have been examined and found qualified for certification as a registered service person / technician shall be issued a license in the appropriate categories or sub categories, provided that all other requirements for certification have been fully complied with.~~

~~(iii)(vi)~~ The Department shall allow registered service technicians to become re-certified by completion of any of the following during the valid term of their license certification:

(A) Attending the ~~annual or otherwise scheduled~~ WDA re-certification short course;

(B) Re-examination in all applicable categories;

(C) Attendance at any National Institute of Standards and Technology, company, or ~~other authorized~~ training, meeting the Department's approval, that provides a

minimum of ~~six (6) two (2)~~ hours of classroom instruction, seminar attendance, professional study; or

(D) Completion and documentation of any relevant online coursework meeting the Department's approval.

(iv) The director may issue certification on a reciprocal basis with other states without examination to a nonresident who is licensed, or certified, in another state. However, reciprocal certification will be extended only to applicants from those states that accept Wyoming certification for reciprocity.

(c) Upon meeting certification requirements, applicants shall submit an application for licensing and a fee payable to the Wyoming Department of Agriculture. All fees submitted shall be non-refundable and deposited into the state general fund. Applicants who have been found qualified for certification as a registered service person / technician shall be issued a license in the appropriate categories or sub categories, provided that all other requirements for certification have been fully complied with.

(i) Fees:

(A) The fee for Registered Service Person / Technician License is \$25.00.

(B) Examination fees are \$10.00 per exam attempted.

(C) Employees of governmental entities are exempted from paying the fees, when the license is used in the performance of their official duties.

(d) Registered Service Technician licenses expire March 31 of each year and may be renewed on an annual basis. Any license not renewed by March 31 is null and void and the former holder shall meet all requirements required to obtain an original license.

~~(e)(vii)~~ Any registered serviceperson / technician who has had his license suspended shall, prior to re-instatement, be required to take all applicable examinations and achieved a passing grade before operations may be resumed, and shall be considered on probation for a period of one (1) year thereafter.

~~(f)(v)~~ The Department shall in all cases adhere to the Wyoming Administrative Procedures Act when revoking, canceling or suspending any registered service technician license.

~~(g)(ix) A certificate of registration shall be issued to any person satisfactorily passing examination and having adequate equipment to properly service and test weighing and measuring devices.~~ The testing equipment used by a registered service technician shall be submitted to the Department for approval upon its request.

~~(h)(e)~~ A holder of a certificate of registration has authority ~~to:~~ as provided by Wyo. Stat. Ann. § 40-10-122.

~~(i) Remove rejected tags and / or condemn tags placed on weighing and measuring devices by authorized weights and measures officials.~~

~~(ii) Place devices which have been previously rejected or condemned and repaired and newly installed devices (including new and used devices) in service pending an official inspection by an authorized inspector.~~

~~(i)(A) All registered~~ **Registered** service technicians, shall use a standard Placing in Service Report approved by the Department. The registered service technician shall execute the Placing in Service Report for all devices they repair or adjust if it affects the accuracy of the device and for all devices which are newly installed (including new and used devices). ~~A rejected or condemn tag removed from a device shall be attached to the~~ **The** original Placing in Service Report, ~~and both shall be mailed to the Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming, 82002,~~ **shall be submitted to the Department** within 24 hours of placing the device in service. Copies shall be left with the user of the device and the registered service technician. A device placed in service by a registered service technician shall meet all specifications, tolerances and technical requirements specified in WYO. STAT. ANN. § 40-10-120.

~~(iii) Each registered service technician shall have a thorough knowledge of all laws, specifications, tolerances, rules, and regulations pertaining to the weighing and measuring devices they are registered to service. A registered service technician shall not remove a reject or condemn tag or issue a Placing in Service Report unless the device meets all legal requirements.~~

Section 7. Testing and Inspection Fees. The Department will charge testing and inspection fees based on the following criteria:

~~(a) The Department will charge testing and inspection fees based on the following criteria:~~

~~(a)(i)~~ Establishments and device owners will receive one routine inspection and one follow-up inspection, if needed, at no charge.

~~(b)(ii)~~ Establishments and device owners will be charged testing and inspection fees based on the following:

~~(i)(A)~~ When 3 or more visits are made to the same location, whether by request of the device owner or manager or by repeat rejection or condemnation of the device.

~~(ii)(B)~~ When arrangements have been made and the device owner or manager has been duly notified of the date and approximate time for an inspection, and the device owner or manager fails to accommodate the inspection at the specified time and place.

~~(c)(iii)~~ Testing and inspection fees are:

~~(i)(A)~~ \$20.00 per hour while in transit to and from an establishment or device site.

~~(ii)(B)~~ \$30.00 per hour at the establishment or device site.

~~(iii)(C)~~ Mileage in accordance with Wyo. Stat. § Ann. 9-3-103.

Section 8. Laboratory Fees.

(a) Standards will be inspected, tested and calibrated by the Department in the Weights & Measures Laboratory, ~~1510 E. 5th Street, Cheyenne, WY~~ under the schedule shown in subsection (d) of this section:

(i) Requests for expedited or rush laboratory services will be charged \$50.00 in addition to the fee in subsection (d) of this section.

(ii) State of Wyoming agencies are exempt from this fee.

(b) Equipment shall be cleaned, painted, or otherwise serviced and ready for inspection, testing, and calibration upon receipt by the laboratory. \$75.00 per hour and reasonable cost for material and supplies will be charged for cleaning, painting or other services provided by the Department.

(c) Standards shall be inspected, tested and calibrated in accordance with the laboratory specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published by the United States Department of Commerce National Institute of Standards and Technology in Handbook 105 and Handbook 145. Both handbooks are available at <http://ts.nist.gov/WeightsAndMeasures/pubs.cfm>.

(d) Fees for laboratory services are outlined in the following table: ~~The Wyoming Department of Agriculture Weights and Measures Metrology Laboratory participates with NIST in a comprehensive measurement assurance program and has demonstrated measurement proficiency through training and round robin participation.~~

~~(i) The processes used are identified as follows:~~

~~_____ (A) SOP 4 = Double Substitution. Used for precision weights. Yields value and uncertainty;~~

~~_____ (B) SOP5 = 3-1 Substitution. Used for precision weights where lower uncertainties are needed;~~

~~_____ (C) SOP 8 = Modified substitution. (tolerance testing) Used for Class F standards.~~

Mass Calibration		
Process Used		
SOP 4, SOP 7, and SOP 8		
Weight	Fee for In-State Customers	Fee for Out of State Customers
<u>31 lb/20 kg Weight Kit</u>	<u>\$50.00 each</u>	<u>\$100.00 each</u>
0-3kg / 0-5 <u>20 lb</u>	\$10.00 each	\$20.00 each
<u>>3kg / >5 lb</u>	<u>\$25.00 each</u>	<u>\$50.00 each</u>
<u>10 kg-50 kg / 25 lb-100 lb</u>	<u>\$15.00 each</u>	<u>\$30.00 each</u>
<u>500 lb – 3000 lb</u>	<u>\$25.00 each</u>	<u>\$50.00 each</u>
<u>Weight Carts</u>	<u>\$100.00 each</u>	<u>\$200.00 each</u>
Process Used		
SOP 5		
Weight	Fee for In-State Customers	Fee for Out of State Customers
0-3kg / 0-5 lb	\$20.00 each	\$40.00 each
>3kg / >5 lb	\$75.00 each	\$150.00 each
Process Used		
SOP 8		
Weight	Fee for In-State Customers	Fee for Out of State Customers
0-3kg / 0-9 lb	\$10.00 each	\$20.00 each
<4kg / 10 lb-100 lb	\$15.00 each	\$30.00 each
500 lb-3000 lb	\$25.00 each	\$50.00 each
<u>Weight Carts</u>	<u>\$100.00 each</u>	<u>\$200.00 each</u>

Volume Calibration		
Measure	Fee for In-State Customers	Fee for Out of State Customers
0-100 Gallon Prover	\$200.00 each	\$400.00 each
>100 Gallon Prover	\$300.00 each	\$600.00 each
5 Gallon Test Measure	\$25.00 each	\$50.00 each
<u>Volume Gravimetric</u> Flasks	\$50.00/hour	\$100.00/hour

Length Calibration		
Measure	Fee for In-State Customers	Fee for Out of State Customers
Length	\$50.00/hour	\$100.00/hour

Section 9. Establishment License Fees. Every person who owns or is responsible for a weight, measure, weighing or measuring device shall obtain an annual license for each establishment on or before April 1 from the Department and pay fees as provided in this subsection. The fees collected by the Department under this section shall be deposited in the general fund.

~~(a) Every person who owns or is responsible for a weight, measure, weighing or measuring device shall obtain an annual license for each establishment on or before April 1 from the Department and pay fees as provided in this subsection. The fees collected by the Department under this section shall be deposited in the general fund.~~

~~(a)(i)~~ Twenty-five dollars (\$25.00) for establishments with no more than five (5) devices;

~~(b)(ii)~~ Fifty dollars (\$50.00) for establishments with more than five (5) and fewer than eleven (11) devices;

~~(c)(iii)~~ Seventy-five dollars (\$75.00) for establishments with eleven (11) or more devices.

~~(d)(iv)~~ For special events, twenty-five dollars (\$25.00) per individual vendor shall be charged annually. A special events license is valid for the duration of the event, whether a day, week or month. The weight, measure, or device used at special events must meet the requirements in Wyoming Statutes. In lieu of individual vendor licenses, a single event management may purchase an establishment license to cover all vendors. The event management is responsible for the weight, measure, or devices used under their license which must meet the requirements in Wyoming Statutes.

~~(A) In lieu of individual vendor licenses, a single event management may purchase an establishment license to cover all vendors. The event management is responsible for the weight, measure, or devices used under their license which must meet the requirements in Wyoming Statutes.~~

~~(e)(v)~~ Exemptions.

~~(i)(A)~~ State of Wyoming agencies are exempt from the licensing fee.

~~(ii)(B)~~ Pharmacy scales inspected and tested by the Wyoming State Board of Pharmacy are exempt from the licensing fee.

~~(iii)(C)~~ A Point-of-Sale system which is entirely independent from any weighing or measuring device is exempt from the licensing fee.

Section 10. Repeal Chapters.

~~(a) The following Chapters of Department of Agriculture rules are hereby repealed:~~

~~(i) Chapter 15—Checkweighing Prepackaged Commodities Regulations~~

~~————(ii) Chapter XX—Regulations for Registration of Weighing & Measuring Device Service Technicians~~

~~————(b) The following Chapter of Department of Agriculture rules are hereby superceded:~~

~~————(i) Chapter XVIII—Specifications, Tolerances & Testing Procedures for Weighing Devices~~

APPENDIX A

Example Written Agreement between parties

EXAMPLE WRITTEN AGREEMENT BETWEEN PARTIES

WYO. STAT. § 40-10-121(c) Except as otherwise required by law, rule, regulation or third party agreement, the Department shall have no authority over weights and measures used pursuant to a written agreement between the parties using the weighing device.

The parties signed hereto, agree that the weighing device used to determine the weight of _____ on this date _____ has not been certified by the State of Wyoming, Department of Agriculture, or duly placed in service by a Registered Service Technician; AND the use of the weighing device by the parties is not regulated by the United States Department of Agriculture, Packers and Stockyards Act, 1921.” (7 U.S.C. 181) and the Regulations Under the Packers and Stockyards Act (9 CFR PART 201).

Seller:

Ranch or Business Name

Address

City, State, Zip

Phone, E-mail

Buyer:

Ranch or Business Name

Address

City, State, Zip

Phone, E-mail

Seller Signature

Buyer Signature

Date

Date

Chapter 18

WEIGHTS & MEASURES, METROLOGY LABORATORY AND REGISTERED SERVICE TECHNICIANS

Section 1. Authority. Pursuant to the authority provided by WYO. STAT. ANN. §§ 40-10-117 through 40-10-136, the Wyoming Department of Agriculture hereby promulgates and adopts the following regulations.

Section 2. Definitions.

- (a) "The act" means Wyoming Statutes §§ 40-10-117 through 40-10-136.
- (b) "Establishment" means a place of business at a single physical location.
- (c) "Mobile establishment" means a transportable establishment which does not remain in a single physical location.
- (d) "NIST" means the National Institute of Standards and Technology.
- (e) "Premise and inspection location" means the physical location of an establishment or device that is unique by address and may be different than the address of record for management.
- (f) "Point-of-sale system" means any combination of a cash register or other devices, or system, such as a scanner, capable of recovering stored information related to the price or computing the price of any individual item which is sold or offered for sale at retail.
- (g) "Scale Approach" means an area adjacent to the load-receiving element on either end of the scale which provides access to the scale.
- (h) "Special event" means a farmer's market; a local community event; a fair, exposition, or trade show; or other venues open to the public for specified limited periods of time.

Section 3. Technical requirements for weighing and measuring devices, uniform regulation for national type evaluation, and checking the net contents of packaged goods.

- (a) The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published

in the 2014 Edition of the United States Department of Commerce National Institute of Standards and Technology Handbook 44, "Specification, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," are adopted and shall apply to weighing and measuring devices in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

(b) The Uniform Regulation for National Type Evaluation as adopted by the National Conference on Weights and Measures and published in the 2014 Edition of the United States Department of Commerce National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," is adopted and shall apply to type evaluation in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

(c) Recognized weighing, measuring, inspection, and sampling procedures, adopted by National Conference on Weights and Measures and published in the Fourth Edition 2014 of the United States Department of Commerce National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods," are adopted and shall apply to package check weighing in Wyoming. These rules do not include any later amendments or editions. The handbook is available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture and is readily available to the public and may be downloaded without cost from <http://www.nist.gov>.

(d) The Department shall review the version of the above handbooks annually printed by the United States Department of Commerce National Institute of Standards and Technology and determine if this section of the rules should be amended to adopt the current version.

Section 4. Exemptions. The following are deemed appropriate to the maintenance of good commercial practices within Wyoming and exempt from the provisions of the act and these regulations.

(a) Ticket printers on vehicle tank meters. Reference: National Institute of Standards Handbook - 44 Section 3.1 Vehicle Tank Meter (VTM) code (*Ticket Printer required*).

(i) This exemption applies to meters mounted on vehicle tanks such as those used for the measurement and delivery of petroleum products; agri-chemical liquids such as fertilizers, feeds, pesticides, and defoliant; and water delivered in bulk.

(ii) This exemption DOES NOT apply to the following:

(A) Devices used for dispensing Liquefied Petroleum Gases, Liquid Anhydrous Ammonia, or other liquids which do not remain in a liquid state at atmospheric pressures and temperatures.

(B) Devices used solely for dispensing a product if the amount dispensed does not affect cost to the customer.

(C) Vehicle tanks used as measures.

(D) Mass flow meters.

(b) All delivery systems are subject to WYO. STAT. ANN. § 40-10-128;

(c) The delivery ticket may be printed using a mechanical ticket printer on the meter, or may be handwritten in clear hand script if the system does not have a ticket printer.

(d) All recorded representations shall show the following minimum information:

(i) The total volume of the delivery;

(ii) The unit price;

(iii) The total computed price;

(iv) The product identity by name; and

(v) The name, address, and phone number of the distributor.

(e) The Department will address all complaints on a case by case basis, and apply appropriate sanctions which may include, but not be limited to, revoking the exemption and requiring the immediate installation of mechanical or electronic ticket printers.

(f) Scale Divisions. Livestock Scales shall have a minimum division no greater than (5) pounds

(g) Environmental Protection. The indicating elements of a livestock scale and/or a large capacity vehicle scale, shall be enclosed in a house or structure of similar design that will prevent wind, moisture and other factors of weather from affecting the performance of the indicating element. Digital indicating elements may be excluded from this requirement, at the discretion of and upon written consent of the Wyoming Department of Agriculture.

(h) Scale Approaches.

(i) All entry areas to livestock scales shall ensure ease of access to the scale approach

(ii) On a livestock scale, there shall be a straight approach as follows:

(A) any approach adjacent of the load receiving element shall be of a width at least the width of the load-receiving element.

(B) Any approach adjacent to the load-receiving element shall be constructed of concrete or similar durable material and shall be designed to ensure any movement of the proper amount of test equipment onto and off the load-receiving element.

Section 5. Inspection and testing of weights and measures used commercially.

(a) Weighing and measuring devices shall be inspected and tested according to a risk based schedule determined by the Director.

(i) Exception. The Department shall exercise no authority over weights and measures used pursuant to a written agreement between the parties using the weighing device.

(A) For a weighing device to be exempt from this section, parties must agree in writing to the use of the weighing device. Appendix A to these rules shows an example of a written agreement. Copies of the signed and dated written agreements shall be retained by the seller for a minimum of 2 years.

(B) No exception is granted to any device for transactions which are deemed to be in commerce in accordance with the United States Department of Agriculture, Packers and Stockyards Act, 1921." (7 U.S.C. 181) and the Regulations Under the Packers and Stockyards Act (9 CFR PART 201).

(b) Standards shall be inspected and tested as follows:

(i) Standards in possession and use by agencies of the state shall be inspected and tested annually.

(ii) Registered service technicians shall have their standards inspected and tested biennially by the Department, and will receive certification upon payment of the laboratory fees established in these regulations.

(iii) All standards that are new, recently purchased, or have been damaged must not be used prior to inspection, testing, and approval by the Department.

(iv) Exceptions.

(A) Standards in possession and use by service technicians and that have been inspected and tested biennially by another recognized state laboratory or an NIST accredited private laboratory are acceptable for use in Wyoming and exempt from this section.

(B) Standards which are self-contained, such as coal mine hopper weights, shall be inspected and tested by the Department at a minimum of once every five (5) years.

Section 6. Registered Service Technicians.

(a) Licensure of Weighing & Measuring Device Service Technicians. For the benefit of and as a convenience to the users, manufactures and distributors of weighing and measuring devices in the State of Wyoming, and those persons installing, servicing and repairing such instruments, the Department will accept applications for licensure of persons qualified to install, service and repair weighing and measuring devices.

(b) Certification of Registered Service Persons / Technicians. Certification will be valid for a term of 3 years. If the registered service persons license is allowed to expire, suspended or otherwise allowed to lapse within this 3 year period certification will be invalidated.

(i) Certification shall be based on the following:

(A) Applicants shall pass both a general written exam and a specialized exam in each area in which they will be doing service work;

(B) Applicants shall provide evidence that they have received qualified training and appropriate experience;

(C) Applicants shall provide evidence that they have the equipment required to repair and place devices into service.

(ii) Applicants shall successfully pass the general examination and the exam for each area in which they will be conducting service work with a 70% or better score.

(A) Failure to receive a passing score on any examination shall require that the applicant be re-examined only in categories which he failed. Re-examination shall be completed within ninety (90) days of the receipt of notification of the examination results.

(B) Any applicant who fails to obtain a passing score on two (2) successive examination attempts is required to attend a training program for new service technicians approved by the Director prior to taking any examination a third time.

(iii) The Department shall allow registered service technicians to become re-certified by completion of any of the following during the valid term of their certification:

(A) Attending the WDA re-certification short course;

(B) Re-examination in all applicable categories;

(C) Attendance at any National Institute of Standards and Technology, company, or training, meeting the Departments approval, that provides a minimum of six (6) hours of classroom instruction, seminar attendance, professional study; or

(D) Completion and documentation of any relevant online coursework meeting the Department's approval.

(iv) The director may issue certification on a reciprocal basis with other states without examination to a nonresident who is licensed, or certified, in another state. However, reciprocal certification will be extended only to applicants from those states that accept Wyoming certification for reciprocity.

(c) Upon meeting certification requirements, applicants shall submit an application for licensing and a fee payable to the Wyoming Department of Agriculture. All fees submitted shall be non-refundable and deposited into the state general fund. Applicants who have been found qualified for certification as a registered service person / technician shall be issued a license in the appropriate categories or sub categories, provided that all other requirements for certification have been fully complied with.

(i) Fees:

(A) The fee for Registered Service Person / Technician License is \$25.00.

(B) Examination fees are \$10.00 per exam attempted.

(C) Employees of governmental entities are exempted from paying the fees, when the license is used in the performance of their official duties.

(d) Registered Service Technician licenses expire March 31 of each year and may be renewed on an annual basis. Any license not renewed by March 31 is null and void and the former holder shall meet all requirements required to obtain an original license.

(e) Any registered serviceperson / technician who has had his license suspended shall, prior to re-instatement, be required to take all applicable examinations and achieved a passing grade before operations may be resumed, and shall be considered on probation for a period of one (1) year thereafter.

(f) The Department shall in all cases adhere to the Wyoming Administrative Procedures Act when revoking, canceling or suspending any registered service technician license.

(g) The testing equipment used by a registered service technician shall be submitted to the Department for approval upon its request.

(h) A holder of a certificate of registration has authority as provided by Wyo. Stat. Ann. § 40-10-122.

(i) Registered service technicians, shall use a standard Placing in Service Report approved by the Department. The registered service technician shall execute the Placing in Service Report for all devices they repair or adjust if it affects the accuracy of the device and for all devices which are newly installed (including new and used devices). The original Placing in Service Report shall be submitted to the Department within 24 hours of placing the device in service. Copies shall be left with the user of the device and the registered service technician. A device placed in service by a registered service technician shall meet all specifications, tolerances and technical requirements specified in WYO. STAT. ANN. § 40-10-120.

Section 7. Testing and Inspection Fees. The Department will charge testing and inspection fees based on the following criteria:

(a) Establishments and device owners will receive one routine inspection and one follow-up inspection, if needed, at no charge.

(b) Establishments and device owners will be charged testing and inspection fees based on the following:

(i) When 3 or more visits are made to the same location, whether by request of the device owner or manager or by repeat rejection or condemnation of the device.

(ii) When arrangements have been made and the device owner or manager has been duly notified of the date and approximate time for an inspection, and the device owner or manager fails to accommodate the inspection at the specified time and place.

(c) Testing and inspection fees are:

(i) \$20.00 per hour while in transit to and from an establishment or device site.

(ii) \$30.00 per hour at the establishment or device site.

(iii) Mileage in accordance with Wyo. Stat. § Ann. 9-3-103.

Section 8. Laboratory Fees.

(a) Standards will be inspected, tested and calibrated by the Department in the Weights & Measures Laboratory, under the schedule shown in subsection (d) of this section:

(i) Requests for expedited or rush laboratory services will be charged \$50.00 in addition to the fee in subsection (d) of this section.

(ii) State of Wyoming agencies are exempt from this fee.

(b) Equipment shall be cleaned, painted, or otherwise serviced and ready for inspection, testing, and calibration upon receipt by the laboratory. \$75.00 per hour and reasonable cost for material and supplies will be charged for cleaning, painting or other services provided by the Department.

(c) Standards shall be inspected, tested and calibrated in accordance with the laboratory specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted

by the National Conference on Weights and Measures and published by the United States Department of Commerce National Institute of Standards and Technology in Handbook 105 and Handbook 145. Both handbooks are available at <http://ts.nist.gov/WeightsAndMeasures/pubs.cfm>.

(d) Fees for laboratory services are outlined in the following table:

Mass Calibration		
Process Used		
SOP 4, SOP 7, and SOP 8		
Weight	Fee for In-State Customers	Fee for Out of State Customers
31 lb/20 kg Weight Kit	\$50.00 each	\$100.00 each
0-3kg / 0-20 lb	\$10.00 each	\$20.00 each
10 kg–50 kg / 25 lb–100 lb	\$15.00 each	\$30.00 each
500 lb – 3000 lb	\$25.00 each	\$50.00 each
Weight Carts	\$100.00 each	\$200.00 each
Process Used		
SOP 5		
Weight	Fee for In-State Customers	Fee for Out of State Customers
0-3kg / 0-5 lb	\$20.00 each	\$40.00 each
>3kg / >5 lb	\$75.00 each	\$150.00 each

Volume Calibration		
Measure	Fee for In-State Customers	Fee for Out of State Customers
0-100 Gallon Prover	\$200.00 each	\$400.00 each
>100 Gallon Prover	\$300.00 each	\$600.00 each
5 Gallon Test Measure	\$25.00 each	\$50.00 each
Gravimetric Flasks	\$50.00/hour	\$100.00/hour

Length Calibration		
Measure	Fee for In-State Customers	Fee for Out of State Customers
Length	\$50.00/hour	\$100.00/hour

Section 9. Establishment License Fees. Every person who owns or is responsible for a weight, measure, weighing or measuring device shall obtain an annual license for each establishment on or before April 1 from the Department and pay fees as provided in this subsection. The fees collected by the Department under this section shall be deposited in the general fund.

- (a) Twenty-five dollars (\$25.00) for establishments with no more than five (5) devices;
- (b) Fifty dollars (\$50.00) for establishments with more than five (5) and fewer than eleven (11) devices;
- (c) Seventy-five dollars (\$75.00) for establishments with eleven (11) or more devices.
- (d) For special events, twenty-five dollars (\$25.00) per individual vendor shall be charged annually. A special events license is valid for the duration of the event, whether a day, week or month. The weight, measure, or device used at special events must meet the requirements in Wyoming Statutes. In lieu of individual vendor licenses, a single event management may purchase an establishment license to cover all vendors. The event management is responsible for the weight, measure, or devices used under their license which must meet the requirements in Wyoming Statutes.
- (e) Exemptions.
 - (i) State of Wyoming agencies are exempt from the licensing fee.
 - (ii) Pharmacy scales inspected and tested by the Wyoming State Board of Pharmacy are exempt from the licensing fee.
 - (iii) A Point-of-Sale system which is entirely independent from any weighing or measuring device is exempt from the licensing fee.

APPENDIX A

Example Written Agreement between parties

EXAMPLE WRITTEN AGREEMENT BETWEEN PARTIES

WYO. STAT. § 40-10-121(c) Except as otherwise required by law, rule, regulation or third party agreement, the Department shall have no authority over weights and measures used pursuant to a written agreement between the parties using the weighing device.

The parties signed hereto, agree that the weighing device used to determine the weight of _____ on this date _____ has not been certified by the State of Wyoming, Department of Agriculture, or duly placed in service by a Registered Service Technician; AND the use of the weighing device by the parties is not regulated by the United States Department of Agriculture, Packers and Stockyards Act, 1921." (7 U.S.C. 181) and the Regulations Under the Packers and Stockyards Act (9 CFR PART 201).

Seller:

Ranch or Business Name

Address

City, State, Zip

Phone, E-mail

Buyer:

Ranch or Business Name

Address

City, State, Zip

Phone, E-mail

Seller Signature

Buyer Signature

Date

Date

RULES AND REGULATIONS
WYOMING DEPARTMENT OF AGRICULTURE
USER REQUIREMENTS FOR WEIGHTS AND MEASURES DEVICES
CHAPTER 30

Section 1. — Authority. — Pursuant to the authority vested in the Director of Agriculture, in accordance with W.S. 40-10-122, the following regulations are hereby promulgated.

Section 2. — Definitions. — Terms used in these regulations are in addition to those set forth in W.S. 40-10-117. The following terms shall have the meaning stated below.

(a) — ~~Indicating Element; means an element incorporated in a weighing or measuring device by means of which its performance relative to quantity or money value is "read" from the device itself as, for example, an index and graduated scale combination, a weighbeam and poise combination, a digital indicator, and the like.~~

(b) — ~~Livestock Scale; means a scale equipped with stock racks and gates and adapted to weighing livestock standing on the scale platform (load-receiving element).~~

(c) — ~~Load Receiving Element; means that element of a scale that is designed to receive the load to be weighed; for example, platform, deck, rail hopper, platter, plate or scoop.~~

(d) — ~~Scale Approach; means an area adjacent to the load-receiving element on either end of the scale, which provides access to the scale.~~

(e) — ~~Scale Division; means the value of the displayed scale division (value of [d]), expressed in units of mass, which is the smallest subdivision of the scale for analog indication or the difference between two consecutively indicated or printed values for digital indication or printing.~~

(f) — ~~User Requirement; means a requirement dealing with the selection, installation, use, or maintenance of a weighing or measuring device. User requirements are directed primarily to the users of devices.~~

(g) — ~~Vehicle Scale; means a scale adapted to weighing highway, farm, or other large industrial vehicles (except railroad freight cars).~~

(h) — ~~Weighing Element; means that portion of a scale that supports the load-receiving element and transmits to the indicating element a signal or force resulting from the load applied to the load-receiving element.~~

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Section 3. — User Requirements.

(a) — Scale Divisions.

pounds.

(i) — ~~Livestock Scales shall have a minimum scale division no greater than five (5)~~

(b) — Environmental Protection.

(i) — ~~The indicating elements of a livestock scale and/or a large capacity vehicle scale, shall be enclosed in a house or structure of similar design that will prevent wind, moisture and other factors of weather from affecting the performance of the indicating element. Digital indicating elements may be~~

~~excluded from this requirement, at the discretion of and upon written consent of the Wyoming Department of Agriculture.~~

~~(ii) The weighing elements of a livestock scale and/or large capacity vehicle scale, shall be enclosed, sheltered and protected from the direct effects of wind, moisture and other weather factors.~~

~~(e) — Scale Approaches:~~

~~(i) — All entry areas to livestock scales shall ensure ease of access to the scale approach.~~

~~(ii) — On a livestock scale, there shall be a straight approach as follows:~~

~~(A) — Any approach adjacent to the load-receiving element shall be of a width at least the width of the load-receiving element.~~

~~(B) — Any approach adjacent to the load-receiving element shall be constructed of concrete or similar durable material and shall be designed to ensure easy movement of the proper amount of test equipment onto and off the load-receiving element.~~

Chapter 30

USER REQUIREMENTS FOR WEIGHTS AND MEASURES DEVICES

(REPEALED)