

**RULE ADOPTIONS**

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**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

41 N.J.R. 3095(a)

**Readoption with Amendments: N.J.A.C. 13:47B**  
**Adopted Repeals: N.J.A.C. 13:47B-1.4 and 1.12**

**Office of Weights and Measures**

Proposed: April 20, 2009 at 41 N.J.R. 1671(a).

Adopted: July 14, 2009 by the Office of Weights and Measures, Louise E. Greenleaf, State Superintendent.

Filed: July 23, 2009 as R.2009 d.263, **without change**.

Authority: N.J.S.A. 51:1-61.

Effective Dates: July 23, 2009, Readoption;

August 17, 2009 , Amendments and Repeals.

Expiration Date: July 23, 2014.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments and repeals are governed by N.J.S.A. 51:1-61. Although the rules are not subject to any mandated Federal requirements or standards, the Office of Weights and Measures has voluntarily adopted, by reference, the standards for weighing and measuring devices, which were developed by National Institute of Standards and Technology and are set forth in Handbook 44.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:47B.

**Full text** of the adopted amendments follows:

**SUBCHAPTER 1. GENERAL WEIGHING AND MEASURING DEVICES**

**13:47B-1.2 Length measuring devices**

The use of counter tacks as linear measures is forbidden in the State of New Jersey and all measures of length shall be in conformance with the requirements set forth in the National Institute of Standards and Technology Handbook 44, Specifications, tolerances and other technical requirements for weighing and measuring devices.

**13:47B-1.4 (Reserved)**

### 13:47B-1.5 Type approval

(a) All new types of weighing and measuring devices of any description whatsoever and all devices of older types to which may be added any alteration or new feature intended or designed as an improvement to such equipment shall, before distribution or installation thereof in the State of New Jersey, be submitted by the manufacturer thereof to the State Superintendent of Weights and Measures for inspection and approval of type and operation, except as provided in (a)1 below.

1. Weighing and measuring devices approved by the National Institute of Standards and Technology (NIST), National Type Evaluation Program (NTEP) need not be submitted for prior inspection and approval of type and operation; however, the State Superintendent of Weights and Measures reserves the right to require the manufacturer to submit a prototype for evaluation at any time for cause.

(b) The provisions of this section shall be construed to include and apply to all weighing and measuring equipment designed for the determination of quantities in commodities sold or offered for sale in the State of New Jersey, or for the determination of quantities where service is sold or offered for sale on the basis of weight or measurement.

(c) No weighing or measuring device as indicated shall be permitted to be sold or leased for use in the State of New Jersey unless submitted for inspection and approved by the State Superintendent of Weights and Measures as specified in (a) above and any equipment distributed or installed contrary to the provisions of this section shall be subject to condemnation.

### 13:47B-1.6 Location of commercial weighing equipment

(a) All weighing equipment of every kind whatsoever, used for quantity determination in the sale of commodities to the purchasing public, in commercial establishments or in connection with any commercial enterprise in the State of New Jersey shall be so placed or located as to be in full view of the customer at all times and in such position as to facilitate the reading of charts, dials and similar equipment with which scales may be equipped or for observing the balance where scales are of such type in which balance is a factor for correct weighings.

(b) (No change.)

### 13:47B-1.9 Portable self-contained vehicle scales

(a) For purposes of this section, a "portable self-contained vehicle scale" is defined as a portable self-contained scale enclosed and supported by its own frame marketed as a complete weighing unit adapted to weighing highway and off-highway vehicles. The indicating element may be packaged separately, which element is attached and connected at the installation site.

(b) Except as hereinafter provided, the use of a portable self-contained vehicle scale is hereby prohibited for determinations of weight for all commercial purposes.

(c) The use of portable self-contained vehicle scales may be permitted on construction projects where a contract requires on-site weighings, and where the weighings are performed by a New Jersey Weighmaster appointed pursuant to N.J.S.A. 51:1-74, subject to all of the following requirements:

1. No scale may be placed into operation until approved by the State Superintendent of Weights and Measures in accordance with N.J.S.A. 51:1-83;

2. The use of the scale is limited to a maximum of six months at any one location;

3. The scale is securely bolted to a foundation;

4. The installation is constructed pursuant to the National Institute of Standards and Technology Handbook 44, section 2.20, Scales, paragraph UR. 2.6.1(c) incorporated by reference in N.J.A.C. 13:47B-1.20. The standard may be obtained

by contacting the United States Department of Commerce, National Institute of Standards and Technology, PO Box 4025 , Gaithersburg , MD 20899 ;

5. The indicating element must be protected from all environmental effects;

6. The scale is to be checked and inspected by a mechanic licensed pursuant to N.J.S.A. 51:1-114 when installed at each site; and

7. (No change.)

(d) A penalty incurred in violation of this section may be enforced pursuant to N.J.S.A. 51:1-83, 51:1-89 or 51:1-93 or all of these sections.

13:47B-1.12 (Reserved)

13:47B-1.20 National Institute of Standards and Technology Handbook 44

All specifications, tolerances and other technical requirements for weighing and measuring devices contained in the National Institute of Standards and Technology Handbook 44, 2008 edition and all future editions together with all amendments and supplements thereto, adopted by the National Conference on Weights and Measures are hereby adopted and promulgated as the legal requirements for all weighing and measuring devices used for commercial purposes and law enforcement in the State of New Jersey; provided, however, that the State Superintendent of Weights and Measures may from time to time further amend or supplement said specifications, tolerances and other technical requirements for the purpose of conforming the needs of any situation affecting the interests of the State of New Jersey and its people.

[page=3096] 13:47B-1.24 Registry for security sealing devices

(a)-(c) (No change.)

(d) The State Superintendent of Weights and Measures shall design and adopt an official registry for security sealing devices. Said registry shall be used to issue to any and all licensed repairmen a distinct and individual combination of letters and numerals, which will be that licensed repairman's registry mark.

(e)-(f) (No change.)

(g) Any licensed repairman who shall issue a false certificate of inspection and test of a commercial weight or measure or weighing or measuring device or who shall delegate his or her authority or registry mark to any person, shall be subject to the revocation or suspension of his or her license as provided in N.J.S.A. 51:1-122, after a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(h) (No change.)