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NEW JERSEY ADMINISTRATIVE CODE

TITLE 13

LAW AND PUBLIC SAFETY

CHAPTER 47F

FEES FOR THE REGISTRATION, INSPECTION AND TESTING OF WEIGHING AND MEASURING DEVICES

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SUBCHAPTER 1.
GENERAL

13:47F-1.1 PURPOSE AND SCOPE

a) These rules implement the provisions of P.L. 1994, c. 60, §§ 6 through 13, entitled "An Act establishing and increasing certain fees imposed by and on behalf of the State and providing for the use of certain fees, amending and supplementing various parts of the statutory law" (the "Act").

b) These rules shall apply to:

1) Any person who operates or uses for commercial purposes a weight and measure, as defined in N.J.S.A. 51:1-2, located within the State;

2) Any person who sells, trades in, receives or engages in the repair of condemned, rebuilt or used weights and measures, pursuant to the provisions of N.J.S.A. 51:1-113 et seq.; and

3) Any person who requests a weight and measure not used for commercial purposes be compared with the standards of weights and measures in the custody of the State Superintendent of Weights and Measures.

13:47F-1.2 DEFINITIONS

For the purposes of this chapter, all definitions and terms describing weights and measures contained in N.J.S.A. 51:1-1 et seq. and in the National Institute of Standards and Technology Handbook 44, as adopted pursuant to N.J.A.C. 13:47B-1.20, are incorporated herein by reference. In addition, the following words and terms shall have the following meanings:

"Act" means P.L. 1994, c. 60.

"Applicant" means a person who is an owner or user of a weight and measure.

"Commercial location" means the premises where weights and measures are installed or employed in the purchase or sale of commodities.

"Commercial purposes" means the purchase or sale of commodities.

"Fuel pump dispenser" means a device used for the measurement and sale of liquid fuels including, but not limited to, gasoline, diesel and kerosene, but not including liquefied petroleum gas and compressed natural gas.

"Length measure" means a device which automatically indicates (with or without value-computing capabilities) the length of commodities passing through the measuring elements.

"Natural gas meter" means a meter which is installed to measure compressed natural gas.

"Person" shall include any natural person or his or her legal representative, partnership, corporation, trust, business entity or association and any agent, employee, partner, officer or director thereof.

"Pharmacy weight kits" means the set of weights required by N.J.A.C. 13:39-7.7.

"Propane meter" means a meter which is mounted on a liquefied petroleum gas delivery vehicle or installed at a fixed location to measure liquefied petroleum gas.

"Rack meter" means a meter used to load bulk delivery vehicles as in those primarily installed at wholesale petroleum terminals.

"Retail vehicle tank meter" means a meter mounted on a tank truck and used to deliver liquid fuel including, but not limited to, gasoline, diesel and kerosene with a maximum flow rate of 100 gallons per minute, but does not include meters used to sell or sell and deliver liquefied petroleum gas or compressed natural gas.

"State Superintendent" means the State Superintendent of the Office of Weights and Measures.

"Used in trade" means used for commercial purposes.

"Weights and measures" means a device, apparatus, or instrument designed or used to weigh, measure, count or time any physical property or determine value, and any auxiliary apparatus and accessories that indicate quantity or value, or records representative thereof.

"Wholesale vehicle tank meter" means a meter mounted on a tank truck and used to deliver liquid fuels including, but not limited to, gasoline, diesel and kerosene with a maximum flow rate of more than 100 gallons per minute, but does not include meters used to sell or sell and deliver liquefied petroleum gas or compressed natural gas.

13:47F-1.3 REGISTRATION OF WEIGHTS AND MEASURES

a) No person shall operate or use a weight and measure for commercial purposes within the State of New Jersey unless the weight and measure is registered with the State Superintendent and approved as to type, pursuant to N.J.S.A. 51:1-93, N.J.A.C. 13:47B-1.5, and the provisions of this chapter and the Act.

b) An applicant for registration of a weight or measure shall submit an application on a form provided by the State Superintendent and shall pay the fee as set forth in N.J.A.C. 13:47F-1.7. The application form will request information including the legal name of the business, trade name and address and information about the type(s) of device(s), manufacturer's name, model number, capacity and serial number of the device(s). A late fee as set forth in N.J.A.C. 13:47F-1.7 for each weight and measure shall be incurred by an applicant if the application form and fee are not received by the State Superintendent within 30 days of the applicant's receipt of the application form.

c) Upon receipt of a completed application and the fee, the State Superintendent shall issue a Registration Certificate for each weight and measure registered. The Registration Certificate shall expire one year from the date of issuance.

d) The applicant shall retain the Registration Certificate at the commercial location. If the weight and measure is located on a vehicle used for commercial purposes, the Registration Certificate shall be carried in the vehicle. The Registration Certificate shall be readily available for inspection by any Weights and Measures official.

e) An applicant shall renew the Registration Certificate for one year by submitting a renewal registration application on a form provided by the State Superintendent and shall pay the appropriate renewal fees as set forth in N.J.A.C. 13:47F-1.7. The renewal application form will request the same information as required by (b) above. A late fee as set forth in N.J.A.C. 13:47F-1.7 for each weight and measure shall be incurred by an applicant if a renewal application and appropriate fees are not received by the State Superintendent within 30 days of the expiration date of the Registration Certificate.

f) The late fee shall not be deemed an exclusive remedy for failure to register a weight and measure in a timely manner. Any unregistered weight and measure shall be deemed a violation of the Act.

g) An applicant shall notify the State Superintendent in writing upon the purchase, sale or transfer of a weight and measure to a different commercial location within 10 days of the purchase, sale or transfer. The fee for the addition of a new weight and measure added to an existing registration shall be pro-rated for each quarter of the one year remaining of the renewal date on the initial Registration Certificate.

h) Any violation of or noncompliance with any of the provisions of this chapter, for which a specific penalty has not been provided in Title 51 of the Revised Statutes, shall subject the violator to a penalty as prescribed by the provisions of N.J.S.A. 51:1-89.

13:47F-1.4 TESTING AND SEALING OF WEIGHTS AND MEASURES

a) All weights and measures used in trade shall be tested and sealed at least once in each year and shall be issued a Certificate of Inspection and Testing as described in N.J.A.C. 13:47B-1.16. All fees for testing and sealing of registered weights and measures shall be included within the fees for registration.

b) Any applicant who requests a test of a weight and measure, not used for commercial purposes, tested by a Weights and Measures officer shall complete an application form provided by the State Superintendent and submit the same with appropriate fees as set forth in N.J.A.C. 13:47F-1.7. Fees shall reflect those costs associated with causing the test to be made. The application form will request information about the applicant including name and address and information about the type(s) of device(s), manufacturer's name, model number, capacity, and serial number of the device(s), if any.

c) The State Superintendent may at his or her discretion assign requests for a test of a weight and measure which is not used for commercial purposes to a county or municipal weights and measures officer.

13:47F-1.5 COUNTY AND MUNICIPAL WEIGHTS AND MEASURES AUTHORITY

a) County and municipal weights and measures departments established pursuant to N.J.S.A. 51:1-42 et seq., under the supervision of the State Superintendent pursuant to the provisions of N.J.S.A. 51:1-54 et seq., shall be eligible to receive 70 percent of the fees collected for the registration, testing and sealing of the commercial weights and measures within their jurisdiction which are inspected and tested, providing that:

1) The inspection and testing of the registered weight and measure is performed by the county and municipal weights and measures department at least once within the annual registration and inspection period.

2) The inspection and testing of weights and measures are conducted in conformity with the requirements and procedures specified in the most recent edition of the National

Institute of Standards and Technology Handbook 44, together with all amendments and supplements thereto, adopted by the National Conference on Weights and Measures incorporated herein by reference; except that if the State Superintendent has amended or supplemented, in accordance with the provisions of N.J.S.A. 52:14B-1 et seq., any Handbook 44 requirements and procedures to conform to the needs of any situation affecting the interests of the State and its people, the county or municipal weights and measures department shall inspect and test the device(s) in accordance with the requirements and procedures as amended by the State Superintendent.

3) The weights and measures standards used by the county or municipality for testing the weights and measures have been compared to the State Standards in the custody of the State Superintendent and corrected and approved by the State Superintendent at least once in five years;

4) All certificates of inspections and tests of weights and measures shall be complete and correct in all respects;

5) All original certificates of inspection are to be submitted with the jurisdictional Certificate of Conformance by December 31 of the annual registration and inspection period.

6) The weights and measures departments conduct their operations in compliance with State law and directives issued by the State Superintendent;

7) The governing bodies of the county and municipal weights and measures departments establish a “Weights and Measures Fund” as a non-lapsing, revolving, dedicated fund into which shall be deposited all reimbursement of fees received for inspection and testing of the weights and measures from the State Superintendent which shall be used to defray all or part of the expenses incurred in regulating weights and measures; and

8) The administrator or the finance officer of the governing bodies of the county and municipal weights and measures department shall submit a certification of the funds appropriated in their budget for weights and measures departments to the State Superintendent during the first quarter of the governing body’s fiscal year. If there is any change in the amount of funds appropriated or supplemental appropriations are approved by the governing bodies, the administrator or the finance officer shall submit a supplementary certification to the State Superintendent within 30 days of the approval or the change.

b) Copies of the National Institute of Standards and Technology Handbook 44 may be purchased from the Superintendent of Documents, U.S. Government Printing Office,

Washington, D.C. 20402.

c) The State Superintendent shall disburse funds to county and municipal weights and measures departments by the end of the State fiscal quarter following the one in which the Certificates of Inspections and Tests for those weights and measures are received and approved by the State Superintendent.

d) The State Superintendent shall have no obligation to a county and municipal weights and measures department for those fees due, but not collected, in any given quarter.

13:47F-1.6 LICENSURE REQUIREMENTS; DEALERS AND REPAIRERS

a) All persons engaged in the business of selling, trading in, receiving, or repairing of condemned, rebuilt, or used weights and measures, as described in N.J.S.A. 51:1-128, shall apply on a form provided by the State Superintendent for a Dealer's License and shall pay the fee as set forth in N.J.A.C. 13:47F-1.7. The application form will request information including the legal name of the dealer's business, trade name and address and information about the type(s) of device(s), manufacturer's name, model number, capacity, and serial number of the device(s) or testing equipment. All applications shall include a copy of the current Certificate of Inspections and Tests.

b) All persons engaged only in the business of repairing of weights and measures, as described in N.J.S.A. 51:1-128, shall apply, on a form provided by the State Superintendent, for a Repairer's License and shall pay the fee as set forth in N.J.A.C. 13:47F-1.7. The application form will request information including the legal name of the repairer's business, trade name and address and information about the type(s) of device(s), manufacturer's name, model number, capacity, and serial number of the device(s) or testing equipment. All applications shall include a copy of the current Certificate of Inspections and Tests.

c) All persons engaged in the business of selling, trading in, receiving, or repairing of condemned, rebuilt or used weights and measures shall renew their license for a period of one year, by applying on a form provided by the State Superintendent and shall pay the renewal fee as set forth in N.J.A.C. 13:47F-1.7. The renewal application form will request the same information as required by (a) above. All renewal applications shall include a copy of the current Certificate of Inspection and Tests.

d) All persons engaged only in the business of repairing of weights and measures shall renew their license for a period of one year, by applying on a form provided by the State

Superintendent and shall pay the renewal fee as set forth in N.J.A.C. 13:47F-1.7. The renewal application form will request the same information as required by (b) above. All renewal applications shall include a copy of the current Certificate of Inspections and Tests.

e) In addition to filing an application and submitting the same with a fee as set forth in N.J.A.C. 13:47F-1.7, all persons engaged in the business of repairing weights and measures, pursuant to the provisions of N.J.S.A. 51:1-113 et seq., shall have their weights and measures, including their testing equipment, compared with the State Standards in accordance with the requirements of the National Institute of Standards and Technology, formerly known as the National Bureau of Standards, Handbook 145, at least once a year.,

f) The State Superintendent shall issue a Certificate of Inspections and Tests upon compliance.

g) Any violation of or noncompliance with any of the provisions of this section, for which a specific penalty has not been provided in Title 51 of the Revised Statutes, shall subject the violator to a penalty as prescribed by the provisions of N.J.S.A. 51:1-131.

13:47F-1.7 FEE SCHEDULE

a) The State Superintendent shall charge the following Schedule of Fees for the Annual Registration, Inspection and Testing of Weights and Measures Used for Commercial Purposes and for the Inspection and Testing of Weights and Measures Not Used for Commercial Purposes:

1) Type of Device: Scales ..... Fee Per Device

i) Up to and including 1,000 pound capacity (other than hopper and vehicle scales) ..... $25.00 per scale but not more than $200.00 per commercial location

ii) More than 1,000 pound capacity (other than hopper and vehicle scales) $100.00

iii) Hopper scale $140.00

iv) Vehicle scale $100.00

v) Wheel Load Weigher $125.00

vi) Belt Conveyor Scale System $225.00

vii) Automatic Bulk Weighing System $225.00

2) Type of Device: Volumetric Meters..... Fee Per Device

i) Fuel Pump Dispenser..... $25.00 per dispenser hose but not more than $200.00 per commercial location

ii) Retail Vehicle Tank Meter with a maximum flow rate of 100 gallons/minute ..... $50.00 per device but not more than $500.00 per commercial location

iii) Wholesale Vehicle Tank Meter $200.00

iv) Rack Meter..... $200.00

v) Natural Gas and Propane Meter .....

(1) Test performed at commercial location $150.00

(2) Test performed at Office of Weights and Measures $100.00

vi) Mass Flow Meter..... $125.00

vii) Water Meter $100.00

3) Type of Device: Miscellaneous..... Fee Per Device

i) Length Measures $30.00

ii) Timing Devices .....$15.00 but not more than $300 per commercial location

iii) Pharmacy Weigh Kits .....$40.00 per kit

iv) Tuning Fork..... $10.00

v) Volumetric Measure of less than or equal to 10 gallon capacity $30.00

vi) Volumetric Measure of more than 10 gallon capacity..... $200.00

vii) Test Weights: less than 50 pounds..... $20.00

viii) Test Weights: equal to or more than 50 pounds $40.00

ix) Steel Tapes: less than or equal to 100 feet .....

(1) Tolerance Test $30.00

(2) Calibration Test $140.00

x) Steel Tapes: longer than 100 feet

(1) Tolerance Test $50.00

(2) Calibration Test $220.00

xi) Taxi meters $40.00

4) Any other device not listed above $40.00

5) Late Fee $10.00

6) In addition to the above fees, hourly charges will be assessed at the rate of $100.00 per hour for testing of non-commercial devices not delivered to the State Superintendent.

b) The State Superintendent shall charge the following Schedule of Fees for Licensure of Dealers and Repairers of Weights and Measures:

1) Dealer's license $150.00

2) Repairer's license $20.00

3) Dealer's license renewal $150.00

4) Repairer's license renewal $20.00