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NEW JERSEY ADMINISTRATIVE CODE  
TITLE 13  
LAW AND PUBLIC SAFETY  
CHAPTER 47B  
SCALES, INSTRUMENTS AND DEVICES;  
WEIGHTS AND MEASURES

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

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### **13:47B-1.1 LIQUID MEASURING DEVICES**

- a) Dealers using gasoline pumps and other automatic liquid measuring devices for the sale of gasoline and similar liquid fuels shall obtain a proper standard measure in a capacity of five gallons, for the purpose of making tests to ascertain whether the device is delivering the correct quantity.
  
- b) Tests must be made before the next sale of gasoline and similar liquid fuels if the liquid measuring system loses its prime or malfunctions.

### **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-1.3 (RESERVED)**

### **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) The purpose of this section is to eliminate the locating of scales on back counters in commercial establishments, where the results of weighings may not be easily read or determined, or in position where the movements of the person operating the scale or performing the weighing may not be readily observed.

### **13:47B-1.7 (RESERVED)**

### **13:47B-1.8 (RESERVED)**

### **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. 53:1-74, 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) The scale shall be inspected at a minimum of once daily to ensure that it is operating properly.
- 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-1.10 HOUSEHOLD SCALES**

- a) No "overload" type of spring scale or balance, commonly known as "household" scales, shall be used or employed in any commercial establishment in New Jersey for the weighing of any commodity sold to the purchasing public.
- b) No such "household" scale shall be sold or offered for sale by any manufacturer, vendor or vendors of such devices, for any use or service whatsoever, unless the dial or reading face is plainly and conspicuously marked with the wording: "Not Legal For Use In Trade"; it being provided that such scales may be sold or offered for sale for household use only.
- c) Any such scale found in commercial use at any store, stand, business establishment, or on any vehicle, from which commodities are sold or offered for sale, shall be subject to immediate condemnation and confiscation.

#### **13:478-1.11 (RESERVED)**

**13:47B-1.12 (RESERVED)****13:478-1.13 (RESERVED)****13:47B-1.14 UNCOMPENSATED SPRING SCALES**

- a) Spring scales not equipped with a device intended to compensate for changes in the elasticity of the springs due to temperature effects or not so designed as to be substantially independent of such changes shall not be used in the retail sale of foodstuffs other than fruits and vegetables.
- b) The following legend shall be plainly, conspicuously and permanently marked on all uncompensated spring scales in commercial service:

“LEGAL FOR FRUITS AND VEGETABLES—ILLEGAL FOR OTHER FOODS.”

- c) The provision of this section shall be non-retroactive.

**13:47B-1.15 (RESERVED)****13:47B-1.16 INSPECTION CERTIFICATES**

- a) Certificates of inspection issued by any State, county or municipal weights and measures officer of New Jersey at the time of his inspection of any weighing or measuring devices shall be retained by the owner or user of said devices in evidence of the condition of the equipment so inspected or tested.
- b) Such certificates shall be available at the place of business of the owner or user where the weighing or measuring devices are installed or carried on the vehicle on which any weighing or measuring devices are employed in the vending of commodities.
- c) Such certificates shall be considered as the official authority for the use of such devices in conjunction with the seal applied at the time of inspection.

**13:47B-1.17 HANGING SCALES**

- a) All hanging-type spring scales used in commercial establishments for the weighing of commodities as sold to the purchasing public shall be so positioned or hung that the maximum height or distance from the floor or ground to the top of the scale pan or plate shall not exceed 48 inches.

**13:47B-1.18 (RESERVED)****13:47B-1.19 ALTERATION GASOLINE DISPENSERS**

- a) Upon the conversion of any gasoline dispensing device, altering or changing its basic design, the official State approval as granted to original manufacturer, pursuant to N.J.S.A. 51:1-93 will be rescinded for the device so converted, altered or changed, and the responsibility for the converted unit and multiples thereof will then repose in the converter.
- b) Notifications to weights and measures officers of the installation of altered gasoline dispensing devices pursuant to N.J.S.A. 51:1-93 shall be so worded as to clearly indicate that the device or devices have been converted.

**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.

**13:47B-1.21 (RESERVED)****13:47B-1.22 (RESERVED)****13:47B-1.23 (RESERVED)****13:47B-1.24 REGISTRY FOR SECURITY SEALING DEVICES**

- a) "Licensed repairman" means any person engaging in the partial or complete constructing and reconstructing, repairing, altering, installing or adjusting of any weight or measure or any weighing and measuring device, used in trade or commerce, in New Jersey, as set forth in N.J.S.A. 51:1-113 et seq.
- b) "Security sealing device" means any mechanical device used to block or prevent entry to the adjustable elements of any weight or measure or any weighing and measuring device used

in trade or commerce in New Jersey. A data change audit trail shall also qualify as a security sealing device.

- c) "Data change audit trail" means an electronic count and/or information record of the changes to the values of the calibration or configuration parameters of a device.
- d) "Weights and measures and weighing or measuring devices" means a "weight or measure" or "weights and measures" as set forth and defined by N.J.S.A. 51:1-2.
- e) 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.
- f) All licensed repairmen shall incorporate his or her registry mark into and upon any security sealing device affixed by that licensed repairman to any weights or measures or weighing and measuring device partially or completely constructed, repaired, altered, installed or adjusted by said licensed repairman.
- g) No weighing or measuring device shall be permitted to be used for any commercial purpose unless the device's adjustable elements are blocked and sealed by a security sealing device bearing the registry mark of a licensed repairman or that of a weights and measures officer. If the physical mechanics for applying a mechanical security sealing device are not available due to a weighing or measuring device adjustable elements' construction or design, a data change audit trail shall be made available at the time of inspection.
- h) 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.
- i) Any violation of or noncompliance with the provisions of this section shall subject the violator thereof to the penalties authorized by N.J.S.A. 51:1-113, et seq.

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**SUBCHAPTER 2.  
(RESERVED)**

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**SUBCHAPTER 3.  
PENALTIES**

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**13:47B-3.1 PENALTIES**

Any violation of or noncompliance with any of the provisions of this chapter shall subject the violator to a penalty as prescribed by the provisions of N.J.S.A. 51:1-89.

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**SUBCHAPTER 4.  
GENERAL PROVISIONS**

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**13:47B-4.1 MINIMUM TRAINING REQUIREMENTS; WEIGHTS AND MEASURES OFFICER**

No person appointed as a State, county, or municipal weights and measures officer will be provided with a badge and/or credentials pursuant to N.J.S.A. 51:1-64 until such time as the appointee has qualified through a course in "basic weights and measures" conducted under the direction of the State Superintendent.

**13:47B-4.2 IN-SERVICE TRAINING REQUIREMENTS; WEIGHTS AND MEASURES OFFICER**

All weights and measures officers are required to attend an in-service training class when provided by the Office of Weights and Measures of the State of New Jersey. Such training classes shall include training on all updates of Title 51 of the New Jersey Statutes Annotated; and N.J.S.A. 56:6-1 et seq.; N.J.A.C. 13:47 and 18:19; NIST Handbook 44, Handbook 133, and Handbook 130; and all protocols, policies, guidelines, and examination procedure outlines issued by the State Superintendent of Weights and Measures.

**13:47B-4.3 RECORDS OF TRAINING**

Each weights and measures officer shall keep a record of his or her training certificates. The State Superintendent of Weights and Measures shall keep records of, and issue certificates to,

all weights and measures officers that have successfully completed the Basic Weights and Measures course or an in-service training class offered by the State Office of Weights and Measures. Any records of certificates issued by an agency other than the State Office of Weights and Measures shall be kept by the local jurisdiction superintendent.