**R70. Agriculture and Food, Regulatory Services.**

**R70-910. Weights and Measures Requirements.**

**R70-910-1. Authority.**

Promulgated under the authority of Section 4-9-103.

**R70-910-2. Purpose.**

This rule establishes the standards, definitions, and regulatory framework necessary for the effective administration and enforcement of weights and measures.

**R70-910-3. Definitions.**

(1) The terms defined in Section 4-9-102 shall apply to this rule, as well as the definitions listed in the NIST Handbooks 130, 133, and 44, which this rule are incorporates by reference .

(2) "NCWM" means the National Council on Weights and Measures.

(3) "NIST Handbook 44" means the 2025 edition of the National Institute of Standards and Technology Handbook 44, entitled "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices."

(4) "NIST Handbook 130" means the 2025 edition of the National Institute of Standards and Technology Handbook 130, entitled "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality".

(5) "NIST Handbook 133" means the 2025 edition of the National Institute of Standards and Technology Handbook 133, entitled "Checking the Net Contents of Packaged Goods".

**R70-910-4. Uniform Regulations, Exemptions, and Modifications.**

(1) The department incorporates by reference the following Uniform Regulations from the 2025 version of the NIST Handbook 130 "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality" as adopted by the NCWM:

(a) per Section 4-9-107, the Uniform Packaging and Labeling Regulation, with the following exemptions;

(i) Section 10.11, Cannabis and Cannabis Containing Products; and

(ii) a retail establishment that repackages food, other than meat or poultry, does not need to declare identity, quantity, and name and place of business if:

(A) the establishment displays the food where its interstate labeling is clearly visible;

(B) a counter card or sign shows the common name; or

(C) the food's appearance makes the common name clear.

(b) per Section 4-9-108, the Uniform Regulation for the Method of Sale of Commodities;

(c) the Uniform Unit Pricing Regulation;

(d) the Uniform Regulation for National Type Evaluation; and

(e) per Sections 4-9-109 and 4-9-118, the Uniform Regulation for Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices.

(2) The department modifies the incorporated Uniform Regulation for Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices to include:

(a) Registered Serviceperson or Registered Service Agencies who install, service, repair, recondition, calibrate, or place into service a commercial weighing or measuring device for hire shall register with the department annually;

(b) Registered Serviceperson or Registered Service Agency shall provide evidence or demonstrate through a department approved exam or equivalent that they:

(i) are qualified to install, service, repair, or recondition a commercial weighing or measuring device;

(ii) have a thorough working knowledge of applicable weights and measures laws, orders, rules, and regulations; and

(iii) possess, or have access to, suitable and calibrated weights and measures field standards and testing equipment, adequate in amount and appropriate in design.

(c) a service agency that provides training for servicepersons shall notify the department and shall register servicepersons within 30 days of completing the training;

(d) the department shall notify denied applicants in writing if the applicant fails to complete the entire application and may issue a notice of conditional denial on an incomplete application, which shall state a specified amount of time to correct any deficiencies;

(e) an applicant shall submit the annual registration fee at the time of registration;

(f) department employees may not be eligible for registration as a serviceperson under this rule;

(g)(i) a Registered Serviceperson shall be qualified to place in service or remove a rejection tag from a heavy capacity scale after the department certifies adequate testing weights; and

(ii) The department shall consider adequate testing weights as 10,000 pounds of test weights or one fourth of the capacity of the scale, whichever is less.

(h) a serviceperson or service agency not registered with the department may not place into public or commercial service a weighing or measuring device or represent themselves as a Registered Serviceperson by the department;

(i)(i) the department may suspend or revoke a serviceperson or service agency's registration; and

(ii) if the department suspends or revokes the registration of a serviceperson, they shall notify the known employing service agency within three business days;

(j) an individual may not place into public or commercial service a weighing or measuring device that a Registered Serviceperson has not tested or sealed.

**KEY: inspections, weights and measures, serviceperson, service agency**

**Date of Last Change: July 8, 2025**

**Notice of Continuation: July 31, 2024**

**Authorizing, and Implemented or Interpreted Law: 4-9-103**