

**NOTICE OF RULEMAKING HEARING  
STATE OF NEBRASKA  
DEPARTMENT OF AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Nebraska Department of Agriculture (NDA) will hold a rulemaking hearing on September 30, 2021, at 10:00 a.m. CT at NDA, Fourth Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509, for the proposed repeal of Nebraska Administrative Code, Title 27, Chapters: 1 entitled Voluntary Registration of Sales and Repair Personnel Regulations; 2 entitled Weights and Measures Standard Laboratory Operating Procedures and Fees; 3 entitled Scale Regulations and the adoption of Title 27, Chapter 10 entitled Weights and Measures Regulations. The regulations being repealed are outdated. The Weights and Measures Regulations being adopted include only the essential requirements for the registration of repair personnel, the weights and measures standards laboratory, and scales used in commerce. The regulations adopt the current version of a National Institute of Standards and Technology publication with requirements for secondary standards. The fees for the weights and measures standards laboratory and registered repair personnel remain the same as currently set out in the regulations being repealed.

NOTICE IS ALSO HEREBY GIVEN that the Nebraska Department of Agriculture (NDA) will hold a rulemaking hearing on September 30, 2021, at 1:30 p.m. CT at NDA, Fourth Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509, for the proposed repeal of Nebraska Administrative Code, Title 25, Chapter 8 entitled Industrial Hemp Regulations. The regulations are being repealed because the regulations only implement Neb. Rev. Stat. §2-5701 which the Legislature terminated effective November 1, 2020 in LB 1152 of 2020.

The hearing will be conducted under Neb. Rev. Stat. §84-907. COPIES OF THE PROPOSED ADOPTION AND REPEALS, AND INFORMATION PROVIDED TO THE GOVERNOR INCLUDING THE FISCAL IMPACT STATEMENT ARE AVAILABLE FOR PUBLIC EXAMINATION at NDA and at the Offices of the Secretary of State, 1201 N Street, Ste 120., Lincoln, Nebraska or website ([www.sos.ne.gov/rules-and-regs/regtrack/index.cgi](http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi)).

ALL INTERESTED PERSONS are invited to attend and testify at the hearings. Reasonable accommodations including the appointment of a licensed interpreter will be provided if requested with seven days notice to NDA at (402) 471-2341 (Voice) or the Nebraska Relay System at 711 or 800-833-7352 (TTY) to ask the operator to call NDA or email [patricia.moock@nebraska.gov](mailto:patricia.moock@nebraska.gov). Interested persons may submit written comments to NDA or e-mail comments to the Secretary of State's website. Comments will be made a part of the hearing records if received by September 29, 2021.

DATED at Lincoln, Nebraska, this 17th day of August, 2021.

NEBRASKA DEPARTMENT OF AGRICULTURE  
Steve Wellman, Director

## DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Agriculture	
Title: 27	Prepared by: Patty Richard
Chapters: 1, 2, 3 & 10	Date prepared: August 3, 2021
Subject: Weights and Measures Regulations and repeal of Voluntary Registration of Sales and Repair Personnel Regulations, Weights and Measures Standard Laboratory Operating Procedures and Fees, and Scale Regulations,	Telephone: 471-2341

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decrease Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & a Description of Impact:

State Agency:

There would be no fiscal impact on the Department of Agriculture in the repeal of the old regulations and the adoption of the new Weights and Measures Regulations. The fees listed in the regulation being adopted are not changed from the fees in the current regulations.

Political Subdivision:

No changes.

Regulated Public:

No changes.

If indeterminable, explain why:

TITLE 27 – DEPARTMENT OF AGRICULTURE

Chapter 1 – (Repeal)

NEBRASKA ADMINISTRATIVE CODE

TITLE 27, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 4

DEPARTMENT OF AGRICULTURE

VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL REGULATIONS

December, 2016

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NEBRASKA ADMINISTRATIVE CODE

~~TITLE 27 DEPARTMENT OF AGRICULTURE~~

~~CHAPTER 1 VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL  
REGULATIONS~~

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~~TITLE 27 — DEPARTMENT OF AGRICULTURE~~

~~CHAPTER 1 — VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL  
REGULATIONS~~

~~01 — Definitions. In addition to the definitions found in Neb. Rev. Stat. §§89-183 the following definitions shall apply to these regulations.~~

~~01.01 — Act shall mean the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103 including the handbooks adopted by reference in Neb. Rev. Stat. §89-186.~~

~~01.02 — Applicant shall mean a person seeking registration as a sales and repair personnel or registration as a sales and repair business.~~

~~01.03 — Employee sales and repair personnel shall mean an individual working as a sales and repair personnel for a registered sales and repair business.~~

~~01.04 — Registered person shall mean a registered sales and repair personnel, a registered sales and repair business or an employee sales and repair personnel who has met the requirements of 27 NAC 1-004 and has been reported to the Director as set out in 27 NAC 1-005 by the sales and repair business.~~

~~01.05 — Registered sales and repair personnel shall mean any individual who for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing and measuring device, and who voluntarily registers as such with the Director.~~

~~01.06 — Registered sales and repair business shall mean any person employing employee sales and repair personnel.~~

~~02 — Reciprocity. The Director may enter into a reciprocal agreement with any other State to provide registration standards for applicants. The standards shall be based on Nebraska requirements.~~

~~03 — Applying for Registration. To apply for voluntary registration, a sales and repair personnel or a sales and repair business shall annually certify that the applicant meets the requirements of 27 NAC 1-008 and has in possession, or available for use, all testing equipment and standards to meet the requirements of 27 NAC 1-010.~~

~~04 — Qualification Testing. Prior to initial registration, and at least every three years thereafter, a sales and repair personnel or employee sales and repair personnel shall be required to pass an examination established by the Director to determine that the person taking the test is qualified to sell, install, service, repair or recondition the devices for which competence is to be registered. The examination shall assess knowledge of provisions of the Act and the regulations adopted pursuant to the Act.~~

~~05 — Registration.~~

~~05.01 — An annual fee of forty five dollars (\$45.00) shall be assessed for all registered sales and repair personnel. Sales and repair businesses shall pay a fee equal to forty five dollars (\$45.00) times the number of employee sales and repair personnel working for the business. If at any time during the year for which the sales and repair business is registered the business employs any additional employee sales and repair personnel, the business shall pay an additional forty five dollar (\$45.00) fee per additional employee sales and repair personnel.~~

~~05.02 — The annual registration fee shall be due on January 31 of each year. Persons seeking registration at any time during the year shall pay the entire fee.~~

~~05.03 — Upon payment of the annual registration fee, a sales and repair personnel business shall provide to the Director a list of all employee sales and repair personnel working for that business. Any change in the list of individuals shall be immediately reported in writing to the Director.~~

~~05.04 — An employee sales and repair personnel shall no longer be a registered person if he or she ceases to be employed by the sales and repair business for which he or she is registered. If the employee sales and repair personnel changes employers or becomes self-employed, the employee sales and repair personnel shall pay the annual registration fee, however, the Director may waive the testing requirements of 27 NAC 1-004, provided the employee sales and repair personnel has passed the test within the past three years.~~

~~06 — Certificate of Registration.~~

~~06.01 — An applicant shall receive an annual Certificate of Registration upon the Director's determination that:~~

~~006.01A The applicant has met the requirements of 27 NAC 1-003;~~

~~006.01B The applicant has passed the appropriate examination as required in 27 NAC 1-004;~~

~~006.01C The applicant is in compliance with 27 NAC 1-010; and~~

~~06.01 D~~ The applicant has submitted the total fee due as required in 27 NAC 1-005.

~~06.02~~ A Certificate of Registration shall expire each year on January 31.

007-Privileges of Registration:

~~007.01~~ Persons who have been issued a valid Certificate of Registration as set forth in 27 NAC 1-006 shall have the authority to:

~~007.01A~~ Remove an official rejection tag or mark placed on a weighing and measuring device by the Director;

~~007.01B~~ Place in service, until such time as an official examination can be made, a weighing and measuring device that has been officially rejected by the Director; and

~~07.01 C~~ Place in service, until such time as an official examination can be made, a new or used weighing and measuring device.

~~07.02~~ All work on weighing and measuring devices authorized by 27 NAC 1-007.01 shall be performed by or under the direct supervision of a registered person.

~~07.03~~ Registered persons shall not be authorized to perform the work described in 27 NAC 1-007.01 for any entity for which the registered person may have a conflict of interest including being an employee of the entity unless such registered person provides written documentation to the Director's satisfaction that the registered person is acting in a manner which is not, in fact, a conflict of interest.

~~08 Responsibilities of Registration.~~ To remain qualified and retain a valid Certificate of Registration, registered persons shall comply with all applicable provisions of the Act and regulations adopted pursuant to the Act. Registered persons are responsible to adjust all devices as closely as practicable to zero error.

~~09 Placed in Service Report.~~ Placed in Service Reports shall be obtained by registered persons from the Director or the registered persons may electronically replicate the reports as a true and accurate copy. Placed in Service Reports shall be executed in triplicate, shall include the assigned registration number, and shall be signed by the registered sales and repair personnel or the employee sales and repair personnel, actually performing the work for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the Placed in Service Report which meets the requirements of these regulations shall be mailed to the Director at the address listed on the report or electronically submitted to the Director. An electronic submission is required to include the signature of the sales and repair personnel or the employee sales and repair personnel. The duplicate copy of the report shall be provided to the owner or operator of the device, and the triplicate copy of the report shall be retained by the registered person.



~~10 Standards and Testing Equipment.~~

~~10.01 At least every 12 months, all field standards that are used for servicing, installing, repairing, reconditioning and testing weights and measures devices for which the competence of a sales and repair personnel or employee sales and repair personnel is registered shall be submitted to the Director. Prior to initial and subsequent use, the standards are required to be verified as correct, calibrated, or both, by the Director.~~

~~10.02 Registered persons shall not use in servicing, installing, repairing or reconditioning commercial weighing and measuring devices any field standards or testing equipment that have not been verified as correct, calibrated, or both, in compliance with 27 NAC 1-010.01.~~

~~10.03 In lieu of submission of physical standards, the Director may accept proper documentation that the standards being used have been verified as correct, calibrated, or both, by any laboratory that is formally accredited or recognized by the National Institute of Standards and Technology.~~

~~10.04 The Director may also periodically monitor calibration results and verify field standard compliance to specifications and tolerances.~~

~~11 Probation, Suspension or Revocation of Certificate of Registration. The Director may place a registered person on probation or suspend or revoke a Certificate of Registration if the Director finds that any registered person is not qualified as set forth in 27 NAC 1-008 to be registered, has failed to pay all fees due as set forth in 27 NAC 1-005 or has performed work which is not authorized by 27 NAC 1-007. Proceedings to take any such action on a registered person may include the Department mandating the removal of an individual from the list of employee sales and repair personnel working for a registered sales and repair business. The provisions for hearings and notice for permitholders under the Act shall apply to registered persons.~~

~~012 Annotation. Neb. Rev. Stat. §§89-182.01 to 89-1,103.~~

TITLE 27 – DEPARTMENT OF AGRICULTURE

Chapter 2 – (Repeal)

NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: February 14, 1983

~~TITLE 27 DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS  
AND MEASURES~~

~~Chapter 2 WEIGHTS AND MEASURES STANDARD LABORATORY  
OPERATING PROCEDURES AND FEES~~

~~001 Standards Laboratory Operating Procedures:~~

~~001.01 Laboratory services are subject to the fees specified in section 002. The charges for laboratory services are based on secondary standards ready for certification that do not need pre-calibration services as specified in subsection 002.08.~~

~~001.02 No secondary standard shall be approved unless the design and construction complies with the National Institute of Standards and Technology publication, Series 105, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*, which by this reference, is hereby adopted and promulgated.~~

~~001.03 All secondary standards approved shall meet the tolerances prescribed by the National Institute of Standards and Technology.~~

~~001.04 Secondary standards determined unfit for approval shall be rejected after testing, and removed from service by the State Metrologist after notification to the owner and the administrator of the Weights and Measures Division. The owner of such secondary standard may request a hearing on the matter in accordance with the Administrative Procedure Act.~~

~~001.05 All secondary standards as defined by the Weights and Measures Act used by repair personnel shall show an indication of the date approved and the jurisdiction issuing the approval.~~

~~001.06 All repair personnel who install, service, or repair weighing or measuring devices in the State of Nebraska shall annually submit their secondary standards to the Nebraska Standards Laboratory for approval. Certificates of approval of secondary standards issued by another state laboratory or a National Voluntary Laboratory Accreditation Program laboratory will be accepted in lieu of submitting the secondary standards to the Nebraska Standards Laboratory. Certification and traceability to the National Institute of Standards and Technology issued by the Nebraska Standards Laboratory is valid for a period of one year unless stated otherwise on the certificate. This traceability shall remain in effect for the period~~

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~~stated unless physical damage occurs to the secondary standard. If damage occurs to the secondary standard, the certificate shall no longer be in effect. The Nebraska Standards Laboratory shall establish procedures designating time intervals for recertification of secondary standards.~~

~~001.07 All secondary standards will be tested in the order in which they are received in the Nebraska Standards Laboratory unless arrangements for testing have been made in advance.~~

~~002 Standards Laboratory Fee Schedule.~~

~~002.01 Weights - Class F Tolerance Testing~~

~~5 lbs. and under ..... \$ 6.25 per weight~~

~~Over 5 lbs. to and including 50 lbs. .... \$ 8.50 per weight~~

~~Over 50 lbs. to and including 1,200 lbs. \$23.50 per weight~~

~~Over 1,200 lbs. .... \$80.00 per hour~~

~~002.02 Test Weight Kits - All Classes~~

~~Tolerance or Precision Testing ..... \$80.00 per hour~~

~~002.03 Dry Measures or Liquid Measures~~

~~Less than 5 gallons ..... \$80.00 per hour~~

~~002.04 Metal Volumetric Field Standards~~

~~5 gallons to and including 25 gallons. .... \$51.00 per unit~~

~~Over 25 gallons. .... \$80.00 per hour~~

~~002.05 Linear Measures ..... \$80.00 per hour~~

~~002.06 Pressurized Volumetric Standards ... \$80.00 per hour~~

~~002.07 Pressure Standards and Gauges ... \$80.00 per hour~~

~~002.08 Pre-Calibration Services. Any standard requiring adjustment and retesting, cleaning, painting, or other pre-calibration services will be charged at a rate of~~

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~~\$80.00 per hour plus costs of materials, in addition to the fees set forth in subsections 002.01 through 002.08.~~

~~002.09 The cost for laboratory services not included in subsections 002.01 through 002.08 shall be \$80.00 per hour.~~

~~003 Definitions.~~

~~003.01 Secondary standards shall mean the physical standards which are traceable to the primary standards through comparisons using acceptable laboratory procedures. Such standards shall be used in the sale of a commodity or in the verification of weights and measures or weighing and measuring devices for accuracy.~~

~~003.02 Repair personnel shall mean any person who installs, services, repairs, or reconditions a commercial weighing and measuring device.~~

~~004 Publication Adopted. National Institute of Standards and Technology publication Series 105, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*.~~

~~005 Annotation. Neb. Rev. Stat. §§89-183 to 89-1,103 (Reissue 1994 and Supp. 1997).~~

TITLE 27 – DEPARTMENT OF AGRICULTURE

Chapter 3 – (Repeal)

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~~TITLE 27 — DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS AND  
MEASURES~~

~~Chapter 3 — SCALE REGULATIONS~~

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~~TITLE 27 DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS AND MEASURES~~

~~Chapter 3 SCALE REGULATIONS~~

~~001 Vehicle, Axle Load, Livestock, and Railroad Track Scales.~~

~~001.01 Application. This regulation shall apply to all permanent installations of vehicle, axle load, livestock and railroad track scales placed in use after the effective date of these regulations. All scales installed prior to the effective date of these regulations shall continue to meet the requirements of the regulations in effect at the time of their installation. It does not apply to scales to be installed at one location for less than 180 days.~~

~~001.02 Plans and Prints. Scale owners shall maintain the manufacturer's plans for review by the Department of Agriculture, Division of Weights and Measures, for compliance with these regulations. Amendments to original plans and prints shall be approved, in writing, by the manufacturer prior to construction. The installation of vehicle, axle load, livestock, and railroad track scales shall be strictly in accordance with these regulations, unless prior written authorization has been received from the Department of Agriculture, Division of Weights and Measures. Such authorization shall only be granted if it is determined to otherwise be in compliance with the Weights and Measures Act.~~

~~001.03 Requirements.~~

~~001.03A All vehicle, axle load, livestock and railroad track scales installed in the State of Nebraska following the effective date of this regulation shall meet all of the requirements specified by:~~



~~001.03A1 The manufacturer of the scale;~~

~~001.03A2 This regulation; and~~

~~001.03A3 The Weights and Measures Act.~~

~~001.03B Failure to meet these requirements or to correct any installation characteristic that adversely affects the performance of the scale shall result in the issuance of a stop use, hold or removal order with respect to the scale.~~

~~001.04 Foundation. A suitable foundation shall be provided for the scale to rest on. This foundation shall meet the following minimum requirements:~~

~~001.04A Soil Bearing. An adequate bearing area shall be provided to match piers to existing soil bearing capabilities stabilized at the desired grade (elevation) to support the load as specified by the scale manufacturer. If not specified, the bearing area shall support at least 3,000 pounds per square foot. The scale owner shall be responsible for determining whether or not soil characteristics meet the requirements for a particular design, and if they do not, the owner shall arrange for design modifications to suit the existing soil conditions.~~

~~001.04B Piers. When piers are required by the manufacturer's specifications, they shall be of reinforced concrete poured to the depth of the local frost line, but shall not be less than four feet. The installation shall support the combined loads applied by the weight of the scale, the weighbridge, and the maximum anticipated load on the scale. The installation shall also distribute these loads evenly over the underlying ground so any settlement of the structure shall be minimized and uniform throughout the structure. End walls shall be of monolithic construction with the end piers or foundation. Pit type scales with internal piers shall be of monolithic construction with the pit sidewalls.~~

~~001.05 Clearance. Clearance shall mean the distance measured from the bottom of the weighbridge main beams or supporting structure to the bottom of the pit or the top of the cleaning slab. The clearance on all scales shall meet the following requirements:~~

~~001.05A Clearance in no case shall be less than the scale manufacturer's specifications.~~

~~001.05B Pit type. Clearance is recommended to be not less than forty eight (48) inches for both lever type scales and load cell type scales.~~

~~001.05C Pitless or Self Contained. Clearance is recommended to be three (3) inches or greater from both lever type scales and load cell type scales.~~

~~001.06 Floors and Slabs.~~

~~001.06A Pit Floor. A pit floor is recommended to aid in cleaning the scale pit. If a pit floor is installed, it shall be constructed of reinforced concrete sloping to a drain, a sump, or both, located in close proximity to the entrance of the pit. The scale pit shall be kept clean and dry at all times. If the pit is installed without a floor, soil conditions shall be such that adequate drainage will occur.~~

~~001.06B Pitless or Self Contained Slab. A pitless or self contained scale shall have a concrete or asphalt slab four (4) inches thick below the weighbridge. The slab shall have an underlay of six (6) inches of gravel under the slab. The slab shall be sloped to provide drainage and aid in cleaning.~~

~~001.07 Pit Walls. Pit walls shall be of reinforced concrete and shall be of monolithic construction.~~

~~001.07A End Walls. The end walls for vehicle and axle load scales shall be at least sixteen (16) inches in thickness. The end walls for livestock scale shall be at least twelve (12) inches in thickness. Livestock scales designed for weighing livestock or vehicles shall be considered a vehicle scale when applying this section. When end walls for vehicle and axle load scales are constructed with a step at the upper outer edge to provide support for the concrete approaches, the step shall be at least six (6) inches by six (6) inches.~~

~~001.07B Sidewalls. The sidewalls for vehicle, axle load, and livestock scales shall be at least twelve (12) inches in thickness.~~

~~001.07C The end walls and sidewalls for a railroad track scale shall be constructed in accordance with the manufacturer's specifications.~~

~~001.08 Pit Coping. The pit walls shall provide for a structural steel angle iron frame to form the inner corner of the wall. The angle should be at least two inches by two inches by one fourth inch (2"x2"x1/4"), and shall have welded projections to provide anchoring in the concrete at four (4) foot intervals (minimum). This frame shall be welded at the joints to prevent minor cracking of the walls.~~

~~001.09 Bumper Check Plates or Check Rods. Bumper check plates or check rods shall be installed in accordance with the manufacturer's specifications.~~

~~001.10 Approaches. The approach shall be straight and level, of the same width and in the same plane as the scale platform. Construction shall be in accordance with the manufacturer's specifications.~~

~~001.10A Vehicle Scales.~~

~~001.10A1 The entire approach shall be 40 feet in length or one half the length of the platform, whichever is less. The approach shall be either tied to the supporting structure of the scale or supported with a step tied to the supporting structure of the wall. The steps shall be at least six (6) inches by six (6) inches along the entire width of the approach.~~

~~001.10A2 At least ten (10) feet of the approach adjacent to the scale shall be made of reinforced concrete. The remaining approach shall be of a durable material to ensure that the grade is maintained. It may vary from the plane of the scale platform but any slope shall not exceed one (1) inch per foot and shall be away from the scale platform, and the slope shall be at a uniform rate.~~

~~001.10A3 It is recommended that means be provided to prevent the turning of vehicles onto or off the scale (including the ten (10) foot concrete approaches) on each end of the scale.~~

~~001.10B Axle Load Scales. Axle load scales shall have reinforced concrete approaches at both ends of the scale and in the same plane as the scale platform. The length of each approach shall be equal to, or greater than, the longest vehicle capable of being weighed by the scale. When axle load scales are used in combination (multiple platform scales) the approaches shall meet the requirements of Section 001.10A of these regulations.~~

~~001.10C Livestock Scales. Livestock scales shall have a ten (10) foot approach of reinforced concrete and be in the same plane as the scale platform. Such approach shall be at least as wide as the gate, but not less than six (6) feet on at least one entrance of the scale. All corrals, gates, and other structures shall be arranged so the livestock scale is accessible to testing equipment.~~

~~001.10D Railroad Track Scales. Railroad track scales shall have an approach which meets or exceeds the manufacturer's specifications.~~

~~001.11 Access to Scale Mechanism. Access to the scale mechanism shall be provided to permit proper inspection, servicing, and cleaning.~~

~~001.11A Pit Access — Livestock Scales. On mechanical pit type livestock scales, one opening shall be provided in the scale platform, pit neck covering, or pit wall to provide access to the pit. It is highly recommended that all livestock scales have an opening in the scale pit wall for easy cleaning and servicing.~~

~~001.11B Pit Access — Other Pit Type Scales. One opening shall be provided for scale platforms twenty five (25) feet, or less; two openings shall be provided for scale platforms over twenty five (25) feet and under fifty (50) feet in length; and three openings shall be provided for scale platforms fifty (50) feet or more in length. Such openings shall be in the scale platform and shall be either a circle not less than twenty two (22) inches in diameter, or a square of not less than twenty two (22) inch sides. Both shall have suitable covers. An additional entrance through a pit wall may also be provided. Such entrance shall not be less than thirty six (36) inches wide. The top of the opening shall not be lower than the main girders and the bottom of the opening shall be approximately even with the bottom of the pit. Where the scale entrance is at the pit neck, the center line of any lever extending through a pit wall opening shall have at least twenty seven (27) inches clearance from one side of the opening.~~

~~001.12 Mechanical Indicating Elements. Mechanical indicating elements shall be mounted on a firm foundation which is adequate to prevent deflection or vibration.~~

~~001.13 Electric Load Cell Cabling. All cabling between load cells, junction boxes, and electronic instrumentation shall be shielded, grounded, and protected from environmental factors as per manufacturer's specifications.~~

~~001.14 Power Source. The power source shall be on a separate circuit back to the distribution transformer with no other loads connected or the power supply shall be isolated from outside electrical interference. One side of the power source should be at ground potential.~~

~~002 Definitions. The definition of terms found in the Weights and Measures Act shall apply to such terms found in these regulations.~~

~~003 Administration. These regulations are administered by the Nebraska Department of Agriculture, Division of Weights and Measures, Fourth Floor, State Office Building, 301 Centennial Mall South,~~

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~~Lincoln, Nebraska. The mailing address is P.O. Box 94757, Lincoln, Nebraska 68509. The telephone number is (402) 471-4292.~~

~~004 Annotation. Neb. Rev. Stat. §§89-187 to 89-1,103 (Reissue 1987 and Supp. 1991).~~

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~~(Effective Date: February 3, 1992)~~

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 27 - DEPARTMENT OF AGRICULTURE CHAPTER 10 – WEIGHTS AND MEASURES REGULATIONS

001 Administration. These regulations are administered by the Nebraska Department of Agriculture pursuant to the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103.

002 Definitions. In addition to the terms listed below, the definitions in the Act apply..

002.01 Act means the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103 including the handbooks adopted by reference in Neb. Rev. Stat. §89-186.

002.02 Applicant means a person seeking registration as a repair personnel or repair business.

002.03 Repair business means any person employing repair personnel.

002.04 Repair personnel means any individual who for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing and measuring device, and who voluntarily registers as such with the department.

#### 003 Scales.

003.01 Scale owners will comply with the Act, maintain in their possession the manufacturer's plans for their scales and meet all of the manufacturer's specifications including those for installation. Failure to comply or to correct any installation characteristic adversely affecting performance subjects a scale to a stop-use, hold or removal order.

003.02 A suitable foundation includes:

003.02A An adequate bearing area stabilized at the desired grade (elevation) to support the load as specified by the scale manufacturer and if not specified, a bearing area supporting at least 3,000 pounds per square foot with the scale owner responsible for determining whether or not soil characteristics are appropriate for a particular design, and if not, for design modifications to suit the existing soil conditions;

003.02B Installation that supports the combined loads applied by the weight of the scale, the weighbridge, and the maximum anticipated load on the scale distributing loads evenly over the underlying ground so any settlement of the structure will be minimized and uniform throughout the structure and reinforced concrete poured to the depth of the local frost line of not less than four feet, if piers are listed in the manufacturer's specifications;

003.02C End walls of monolithic construction with the end piers or foundation and pit type scales with internal piers of monolithic construction with the pit sidewalls; and

003.02D Clearance (the distance measured from the bottom of the weighbridge main beams or supporting structure to the bottom of the pit or the top of the cleaning slab) on all scales not less than the scale manufacturer's specifications.

003.03 Appropriate floors and slabs are constructed as follows:

003.03A A pit floor, if installed, made of reinforced concrete sloping to a drain, a sump, or both, located in close proximity to the entrance of the pit keeping the scale pit clean and dry at all times;

003.03B A pitless or self-contained scale with a concrete or asphalt slab four inches thick below the weighbridge that is sloped to provide drainage and aid in cleaning and meet the scale manufacturer's specifications;

003.03C End walls and sidewalls for all vehicle, axle load, livestock and railroad track scales constructed in accordance with the Act and the manufacturer's specifications; and

003.03D Approaches constructed in accordance with the Act and the manufacturer's specifications. Scales installed in any one location for a period of six months or more will have not less than 10 ft. of any approach adjacent to the platform constructed of concrete or similar durable material to ensure that this portion remains smooth and level and in the same plane as the platform; however, grating of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale may be installed in this portion.

004 Standards Laboratory Operating Procedures.

004.01 Laboratory services are subject to the fees. The charges for laboratory services are based on secondary standards ready for certification not needing pre-calibration services.

004.01A Weights - Class F Tolerance Testing:

5 lbs. and under	\$6.25 per weight
Over 5 lbs. to and including 50 lbs.	\$8.50 per weight
Over 50 lbs. to and including 1,200 lbs.	\$23.50 per weight
Over 1,200 lbs.	\$80.00 per hour

004.01B Test Weight Kits - All Classes

Tolerance or Precision Testing	\$80.00 per hour
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004.01C Dry Measures or Liquid Measures

Less than 5 gallons	\$80.00 per hour
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004.01D Metal Volumetric Field Standards

5 to 25 gallons	\$51.00 per unit
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Over 25 gallons

\$80.00 per hour

004.01E Linear Measures, Pressurized Volumetric Standards, Pressure Standards and Gauges, all other laboratory services, and Pre-Calibration Services will be charged at a rate of \$80.00 per hour. Payment owed for any standard needing adjustment and retesting, cleaning, painting, or other pre-calibration services includes the costs of materials, in addition to the regular fees.

004.02 No secondary standard will be approved unless it meets the tolerances, design and construction provisions of the National Institute of Standards and Technology publication, Series 105-8, *Specification and Tolerances for Reference Standard and Field Standard Weights and Measures*, as it existed on July 1, 2021 is adopted and incorporated herein by reference so long as not in conflict with the Act. If there is an inconsistency, the Act controls. A copy is attached to these regulations on the department's website at <https://nda.nebraska.gov/regulations/>.

004.03 Secondary standards determined unfit for approval are subject to rejection after testing and removal from service after notification to the owner.

#### 005 Registered Repair Personnel.

005.01 The Director may enter into a reciprocal agreement with any other State to provide registration standards for applicants.

005.02 Repair personnel and repair businesses annually certify their compliance with these regulations and that they have access to all necessary testing equipment and standards.

005.03 Prior to initial registration, and at least every three years thereafter, repair personnel will pass an examination established by the Director to determine if they are qualified to sell, install, service, repair or recondition devices.

#### 005.04 Registration.

005.04A The annual fee is forty-five dollars for all registered repair personnel. Repair businesses owe a fee of forty-five dollars times the number of employee repair personnel. If at any time during the year a repair business employs any additional repair personnel, the business will pay an additional forty-five dollars fee per additional employee.

005.04B The annual registration fee is due on January 31 of each year. Persons seeking registration at any time during the year pay the entire fee.

005.04C Upon payment of the annual registration fee and any change thereafter, a repair personnel business provides a list of all employee repair personnel.

005.04D An employee repair personnel will no longer be registered if he or she ceases to be employed by the original repair business. Any repair personnel changing employers or becoming self-employed will pay a new registration fee.

005.05 An applicant receives an annual Certificate of Registration when in compliance with these regulations which expires each year on January 31.



005.06 All work on weighing and measuring devices authorized by this section may only be performed by or under the direct supervision of a registered person except registered persons are not authorized to perform such work for any entity for which the registered person may have a conflict of interest. Registered persons have the authority to:

005.06A Remove an official rejection tag or mark placed on a weighing and measuring device by the department; and

005.06B Place in service, until such time as an official examination can be made, a new or used weighing and measuring device or one that has been officially rejected by the department.

005.07 Registered persons are responsible to adjust all devices as closely as practicable to zero error.

005.08 Placed in Service Reports may only be obtained from the department or may be replicated so long as the report is an accurate copy. Placed in Service Reports include the assigned registration number and be signed by the repair personnel actually performing the work. Repair personnel have twenty-four hours to mail or electronically submit the Placed in Service Report to the department.

005.09 Standards and Testing Equipment.

005.09A At least every twelve months, all field standards used for servicing, installing, repairing, reconditioning and testing weights and measures devices for which the competence of repair personnel will be submitted to the department to be verified as correct and calibrated.

005.09B Registered persons will use in servicing, installing, repairing or reconditioning commercial weighing and measuring devices any field standards or testing equipment that have been verified as correct and calibrated.

005.09C In lieu of submission of physical standards, the department may accept proper documentation that the standards being used have been verified as correct and calibrated by any laboratory that is formally accredited or recognized by the National Institute of Standards and Technology.

005.10 The Director may place a registered person on probation or suspend or revoke a Certificate of Registration if the Director finds that any registered person is not qualified to be registered, has failed to pay all fees due or has performed work which is not authorized. Proceedings to take any such action on a registered person may include the department mandating the removal of an individual from the list of employee repair personnel working for a registered repair business. The provisions for hearings and notice for permitholders under the Act apply to registered persons.

006 Annotation. Neb. Rev. Stat. §§89-182.01 to 89-1,103.