

**363.330 Registration requirement for commercial weighing and measuring device repairmen and service agencies -- Administrative hearing -- Administrative regulations.**

- (1) As used in this section, unless the context requires otherwise:
  - (a) "Commercial weighing and measuring device" means any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basis of weight or measure, and also includes any accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device;
  - (b) "Director" means the director of the Division of Regulation and Inspection;
  - (c) "Registered serviceman" means any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who registers with the director; and
  - (d) "Registered service agency" means any agency, firm, company, or corporation which for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and which registers with the director. Under agency registration, identification of individual servicemen shall be required.
- (2) The director shall require the registration of an individual or agency and shall require the individual or agency to provide acceptable evidence that he or it is fully qualified to install, service, repair, or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, and administrative regulations; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. An employee of government shall not be eligible for registration.
- (3) The director may enter into an informal reciprocal agreement with any other state that has similar registration policies. Under a reciprocal agreement, registered servicemen and registered service agencies of the states party to the reciprocal agreement shall be granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all states party to the agreement.
- (4) There shall be an annual fee of twenty dollars (\$20) per registered serviceman and fifty dollars (\$50) per registered service agency to be applied toward the costs of administering the plan. The fee shall be paid to the director at the time application for registration is made, and annually, during the month of January, thereafter.
- (5) An individual or agency shall apply for registration to service weighing devices or measuring devices on an application form supplied by the director. The form, duly

signed and witnessed, shall include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession, or available for use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, and administrative regulations. An applicant also shall submit appropriate evidence or references as to qualifications. The director may require competency testing of service individuals as the director deems necessary.

- (6) Upon receipt and acceptance of a properly executed application form, and with proof of competency, the director shall issue to the applicant a "certificate of registration," including an assigned registration number, which shall remain effective until either returned by the applicant or withdrawn by the director.
- (7) Only a bearer of a certificate of registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the director; place in service, until an official examination can be made, a weighing or measuring device that has been officially rejected; or place in service, until an official examination can be made, a new or used weighing or measuring device.
- (8) The director shall furnish each registered serviceman and registered service agency with a supply of report forms to be known as "Placed in Service Reports." This form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a registered serviceman or by a serviceman representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within twenty-four (24) hours after a device is restored to service, or placed in service, the original of the properly executed "Placed in Service Report," together with any official rejection tag removed from the device, shall be mailed to the director at Frankfort, Kentucky. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the registered serviceman or agency.
- (9) A registered serviceman and a registered service agency shall submit, at least biennially to the director, for his examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceman or agency shall not use in servicing commercial weighing or measuring devices any standards of testing equipment that have not been certified by the director.
- (10) The director may, for good cause, after careful investigation and consideration, and after the registrant has been afforded the opportunity for an administrative hearing conducted in accordance with KRS Chapter 13B, suspend or revoke a "certificate of registration."
- (11) The director shall publish from time to time as he deems appropriate, and may supply upon request, lists of registered servicemen and registered service agencies.
- (12) The director may promulgate administrative regulations to carry out the provisions of this section.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 34, sec. 1, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 49, sec. 21, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 318, sec. 345, effective July 15, 1996 -- Amended 1990 Ky. Acts ch. 93, sec. 1, effective July 13, 1990. -- Created 1970 Ky. Acts ch. 25, sec. 1.