

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-13-9-.02

Rule Title: Requirements for Registration as Weighing Device Serviceman.

 New; x Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John McMillan

Date: 6-15-2012

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
ANIMAL INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-13-9-.02 Requirements for Registration as Weighing Device Serviceman.

Intended Action: To amend rule.

Substance of Proposed Action: This rule will clarify that each person, applying for registration as a weighing device serviceman, must have sufficient NIST test weights on site for each category of scales the serviceman is attempting to register.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, August 14, 2012 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: August 14, 2012.

Contact Person at Agency: Patrick B. Moody, Legal Counsel and, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334)240-7117.

6-15-2012
Date

John McMillan
John McMillan
Commissioner of Agriculture
and Industries

80-13-9.-02 Requirements For Registration As Weighing Device

Serviceman. The Department will review and examine the qualifications of each person applying for registration as a weighing device serviceman. It will also be necessary for an applicant to have ~~available~~ on site sufficient test weights of approved type (see National Institute of Standards and Technology Handbook 1051) and calibration to test, in accordance with National Institute of Standards and Technology Handbook No. 44 and NCWM Publication No. 12, the category of scales for which registered. Registrant must have weights to test to capacity small scales of not more than 1,000 pounds capacity and for large scale testing and repair a minimum of 20,000 pounds of calibrated and approved test weights for installing, servicing and repairing large scales (i.e. livestock, vehicle and hopper) as shown in following table:

MINIMUM KNOWN TEST WEIGHTS	
Device Capacity	Minimums (in terms of device capacity)
0 to 300 lb.	100%
301 to 3,000lb.	25% - minimum 300 lb.
3001 to 40,000 lb.	25% - minimum 1,000 lb.
40,001 lb. +	12.5% - minimum 20,000 lb.
Railway track scales approval require a minimum of 80,000lb. Interim approval or enforcement action require a minimum of 30,000 lb.	

Applicants' test weights must be calibrated and approved at least once each year or more often by the Weights and Measures Laboratory of this Department or the proper authorities of another state which can show traceability to the National Institute of Standards and Technology. If a firm applies for registration of more than one weighing device serviceman, an application must be made for each person.

Author: Reginald L. Sorrells, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §8-16-121.

History: Filed: November 25, 1987. **Amended:** Filed November 27, 2001; effective January 1, 2002. **Amended:**