

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-13-9-.03

Rule Title: Requirements For Registration As Measuring 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? Minimum        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 Neill

Date: 3-17-2014

(DATE FILED)  
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
DIVISION OF MARKETING

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-13-9-.03 Requirements for Registration as Measuring Device Serviceman.

Intended Action: To Amend Rule.

Substance of Proposed Action: To update existing rule to conform with the latest publications of the National Institute of Standards and Technology.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date May 13, 2014 in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 13, 2014,

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

3-17-2014  
Date

  
John McMillan  
Commissioner of Agriculture  
And Industries

**80-13-9-.03 Requirements For Registration As Measuring Device  
Serviceman.**

The Department will review and examine the qualifications of each person applying for registration as a measuring device serviceman. This includes field test measures of an approved type. Applicants' test measures must be calibrated at least once each year or more often by the Weights and Measures Laboratory of the Department or proper authorities of another state which can show traceability to the ~~National Bureau of Standards~~ Institute of Standards and Technology (NIST). If a firm applies for registration of more than one serviceman, an application must be made for each serviceman.

It will be necessary for an applicant to have on site sufficient field test measures of approved type (See Handbook 105-2 and 105-3) and calibration to test or service any liquid measuring device in the category for which registered in accordance with ~~NBS~~ NIST Handbook No. 44 and NCWM Publication No. 112 Examination Procedure Outlines for Commercial Weighing and Measuring Devices. The above field test measures must be available for each applicant and not just one per firm.

**Author:** Charles H. Barnes, Patrick B. Moody

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

**History: Filed:** November 25, 1987. Filed August 17, 2012; effective September 21, 2012. **Amended:**