Chapter 16-664 WAC

NATIONAL TYPE EVALUATION PROGRAM

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WAC 16-664-010 Purpose. The purpose of this rule is to assure users, sellers, manufacturers and weights and measures officials that a particular model or type of device and/or equipment is capable of meeting applicable standards.

WAC 16-664-020 Definitions. For purposes of this rule:
(1) "Certificate of Conformance" means a document issued by the National Institute of Standards and Technology based on testing by a participating laboratory. The certificate evidences conformance of a type with the requirements of the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3.
(2) "Device" means any weighing and measuring device as defined in subsection (4) of this section, Commercial and law enforcement equipment.
(3) "Director" means the director of the Washington state department of agriculture.
(4) "Commercial and law enforcement equipment" means:
(a) Any weighing or measuring equipment 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 basic charge or payment for services rendered on the basis of weight or measure.
(b) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device.
(c) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.
(5) "National type evaluation program" means a program of cooperation between the National Institute of Standards and Technology, other federal agencies, the National Conference on Weights and Measures, Publication 14, "National Type Evaluation Program, Administrative Procedures, Technical Policy, Checklists, and Test Procedures."
(6) "One-of-a-kind device" means a device manufactured for sale that has been categorized and tested as a "one-of-a-kind" device. If the manufacturer constructs an additional device or devices, the device is no longer considered to be "one-of-a-kind." This definition also applies to any device that has been determined to be a "one-of-a-kind" device by a weights and measures jurisdiction in one state and the manufacturer decides to manufacture and install the device in another state. In this case, the device must be traceable to a Certificate of Conformance, unless NTEP decides that a Certificate of Conformance will not be required.
(7) "Participating laboratory" means any state measurement laboratory that has been accredited by the National Institute of Standards and Technology in accordance with its program for the Certification of Capability of State Measurement Laboratories, or any state weights and measures agency or other laboratory that has been authorized to conduct a type evaluation under the National Type Evaluation Program.
(8) "Person" means both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.
(9) "Remanufactured device" means a device to which an overhaul or replacement of parts has been performed so the device can be installed in a new location.
(10) "Repaired device" means the maintenance or replacement of parts for a device to remain or return to service in the same location.
(11) "Type" means a model or models of a particular device, measurement system, instrument, or element that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.
(12) "Type evaluation" means the testing, examination, and/or evaluation of a type by a participating laboratory under the National Type Evaluation Program.

WAC 16-664-030 Certificate of Conformance—When required. The director shall require a device to be traceable to a Certificate of Conformance prior to its installation or use for commercial or law enforcement purposes.


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WAC 16-664-050 Unlawful acts. It shall be unlawful for a person to:

(1) Use a device in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040;

(2) Sell a device for use in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040.

WAC 16-664-060 Penalty. Any person who violates the provisions of this chapter is subject to penalties as provided under chapter 19.94 RCW.


[Statutory Authority: RCW 19.94.190 and 19.94.195. WSR 97-12-076, § 16-664-040, filed 6/4/97, effective 7/5/97.]

[Statutory Authority: RCW 19.94.190 and 19.94.195. WSR 97-12-076, § 16-664-040, filed 12/5/97, effective 1/5/97; WSR 97-12-076, § 16-664-040, filed 6/4/97, effective 7/5/97.]