

WSR 24-22-044

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 28, 2024, 7:19 a.m., effective November 28, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-663 WAC, Service agents—Reporting, test procedures, standards and calibration of weighing and measuring devices, by clarifying current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 16-663-140, 16-663-150, and 16-663-170.

Statutory Authority for Adoption: RCW 19.94.010, 43.01.160.

Adopted under notice filed as WSR 24-17-103 on August 19, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2024.

Derek I. Sandison
Director

OTS-5749.1

AMENDATORY SECTION (Amending WSR 08-20-069, filed 9/25/08, effective 10/26/08)

WAC 16-663-140 Identification of work—Labels and seals. (1)

Each registered service agent and serviceperson shall identify (~~his/her~~) their work on commercially used weighing and measuring devices by:

(a) Applying an adhesive tag or label in a conspicuous location on the device; or

(b) Using a distinctive security seal or seal press impression.

(2) The adhesive tag or label shall legibly show at least the serviceperson registration number, business telephone number and date of service.

(3) Any security seal or seal press used to comply with subsection (1) of this section shall identify the individual registered serviceperson applying the seal.

(4) The registered service agent or serviceperson shall submit a copy of the tag or label, seal or seal press identification mark to the department at time of registration.

AMENDATORY SECTION (Amending WSR 00-22-072, filed 10/30/00, effective 11/30/00)

- WAC 16-663-150 Reports and responsibilities of service agents and servicepersons.** (1) Any person installing a new or used weighing or measuring device that is being put in use for the first time at that location must provide a notice of installation to the department. The notice shall state the date placed in service, type of device, capacity, business' name and site address, and name and address of the service company installing the device. The report shall also indicate whether the device is new or used.
- (2) After correcting a rejected device, registered service agents or servicepersons must return the reject report issued by the weights and measures official to the address indicated on the form within seven days from completion of work. All discrepancies noted on the department's rejection report must be corrected before returning the device to service. The form must be signed and dated by the registered serviceperson returning the device to service. The form must also legibly indicate (~~his/her~~) the service agent's or serviceperson's registration number and show the number or identifying mark of security seals that were removed and applied to affect the correction.
- (3) A registered service agent or serviceperson will submit a copy of (~~his/her~~) their test report showing the as-found and as-corrected readings with the reject report when putting a rejected device back into service.
- (4) Commercially used weighing or measuring devices put into service or returned to service must be correct and meet all applicable specifications and requirements set forth in the edition of National Institute of Standards and Technology Handbook 44 currently adopted by the director. The device must also meet current (NTEP) requirements in effect for the device.
- (5) Devices must be installed in accordance with manufacturer's instructions.
- (6) A device installed in a fixed location must be installed so that its operation or performance will not be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.
- (7) Equipment must be installed in such a manner that all required markings are readily observable.
- (8) A device must be installed so that it will be correct and it meets all performance requirements when associated or nonassociated equipment is operated in its usual and customary manner.
- (9) Faulty installation conditions must be corrected, and any defective parts must be renewed or suitably repaired, before adjustments are made.
- (10) When equipment is adjusted, the adjustment must be made so that performance errors are as close as practicable to zero value.
- (11) Equipment put into service, repaired, adjusted, calibrated or refurbished must be sealed with an appropriate security seal and the seal number recorded on the inspection test report. Any security seal removed prior to servicing the device will be noted on the test

report and will include the number or identifying mark of the security seal.

(12) Equipment must be assembled and installed so that it does not facilitate the perpetration of fraud.

AMENDATORY SECTION (Amending WSR 00-22-072, filed 10/30/00, effective 11/30/00)

WAC 16-663-170 Unlawful practices—Penalties. Any person who, by ~~((himself or herself, by his or her))~~ themselves, by their agent or employee, or as the agent or employee of another person, violates the provisions of this rule is subject to a civil penalty of up to ~~((five thousand dollars))~~ \$5,000 as specified in RCW 19.94.510.