

02.02.14 – RULES FOR WEIGHTS AND MEASURES

000. LEGAL AUTHORITY.

Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code. (7-1-26)

001. SCOPE.

This chapter has the following scope: to govern the checking, testing, and examination of weighing and measuring devices, packages and labels; to govern consumer and non-consumer packaging and labeling; to govern the registration of servicemen and service agencies for commercial weighing and measuring devices; to govern the licensing of weighmasters, and to govern the licensing of commercially used weighing and measuring devices and to set maximum annual license fees for weighing and measuring devices. (7-1-26)

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. **Required Reference Materials.** The 2026⁵ edition of Handbook No. 130 of the National Institute of Standards and Technology (NIST), United States Department of Commerce, “Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality,” and NIST Handbook 44 “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” (Published December, 2025⁴) hereby incorporated by reference, is the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (7-1-26)

02. **Required Reference Materials for Checking Prepackaged Commodities.** The 2026⁵ edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” (Published January 10 December, 2025) hereby incorporated by reference, is the authority in checking packaged commodities, unless otherwise stated in these rules. (7-1-26)

005. DIESEL, BIODIESEL, AND GASOLINE STANDARDS.

Per Section 37-2506, Idaho Code, the latest specifications adopted by the American Society for Testing and Materials is the required standard for all diesel, biodiesel, and gasoline fuels. The standards can be accessed at <https://www.astm.org/products-services/standards-and-publications/standards/petroleum-standards.html>. (7-1-25)

006. – 011. (RESERVED)

012. LICENSE REQUIRED FOR COMMERCIALLY-USED WEIGHING OR MEASURING INSTRUMENT OR DEVICE.

Weighing or measuring instruments or devices used for commercial purposes in the State of Idaho must be licensed annually. (3-15-22)

01. **Annual License.** No person may operate or use for commercial purposes within the state any weighing or measuring instrument or device specified in Section 71-113, Idaho Code, that is not licensed in accordance with this rule. (7-1-26)

02. **Specific Device.** Any license issued applies only to the instrument or device identified by Device Code, as listed in TABLE 1-A, and rated capacity on the application for license. ~~The license is applicable to an equivalent replacement for the original instrument or device, within the annual license period.~~ (3-15-22)

013. LICENSE APPLICATION.

License application must be submitted on forms provided by Idaho State Department of Agriculture (ISDA) and accompanied with the proper fee as established in this rule. The capacity of an instrument or device will be determined by the manufacturer’s rated capacity. (7-1-26)

014. ANNUAL LICENSE PERIOD.

Annual license applications and fees are due February 1 of each year and all licenses expire on January 31 of the following year. (3-15-22)

015. LICENSE RENEWALS.

Any device or instrument will be considered rejected if the license for that device or instrument is not renewed thirty (30) days after expiration. A person failing to pay the annual license fee after forty-five (45) days following the expiration date, forfeits the right to use the instrument or device for commercial purposes, and ~~they may result in the issuing of a stop-use order on for the instrument or device may be taken out of service by the ISDA Bureau of Weights and Measures (Bureau) until the license fee and a \$25 late fee per device is paid.~~ (7-1-26)

016. MAXIMUM AND MINIMUM LICENSE FEE SCHEDULE FOR COMMERCIALY-USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's rated capacity. ~~The minimum annual license fee for commercially used instrument and device types is twelve dollars (\$12012) when licensing a single device to cover the cost of device inspection.~~

TABLE 1-A DEVICE FEES		
DEVICE CODE	KEY	FEE (Not to Exceed)
A	Scales ≤ 50 lb	\$206.00
B	Scales > 50 ≤ 1,159 lb	\$30+2.00
C	Scales ≥ 1,160 ≤ 7,499 lb	\$50+4.00
D	Scales ≥ 7,500 ≤ 59,999 lb	\$175+50.00
E & F	Scales 60,000 lbs or more	\$175+40.00
G	Motor-fuel device < 20 gpm	\$206.00
H	Meter ≥ 30 < 150 gpm	\$50+3.00
I	Meter ≥ 150 gpm	\$65+40.00
J	LPG dispenser	\$40.00
J, K & L	LPG temperature compensated	\$80+60.00
M	Cordage or Fabric meters	\$205.00
N	Natural gas motor fuel devices	\$75+60.00
O	Bulk oil meter	\$50+35.00
P	Meter > 20 ≤ 30 gpm or fuel additive metering devices	\$20+40.00

Commented [JS1]: Define out of service?

Commented [CM2R1]: 71-116. ENFORCEMENT ORDERS. The director shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this act he deems it necessary or expedient to issue such orders, and no person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

Commented [CM3]: Fee update?

Commented [CM4R3]: I have \$40 written down in notes.

Commented [CM5]: Can we remove this since we have the fee table underneath and a minimum service charge above?

Commented [CM6]: Need to include section 100 into fee table.

Commented [CM7]: Sent Stacie's national data to reference.

<u>TABLE 1-B METROLOGY LAB FEES</u>		
<u>WEIGHT CLASS</u>	<u>KEY</u>	<u>FEE</u> <u>(Not to Exceed)</u>
<u>2,3,S1, F1,F2</u>	<u>Weights 0-5 kg / 0-10 lb and > 5 kg / > 10 lb</u>	<u>\$50.00 each</u>
	<u>Weights > 5 kg / > 10 lb</u>	<u>\$80.00 each</u>
<u>1, E1, E2, M, S</u>	<u>Weights 0-3 kg / 5 lb and > 3 kg / > 5 lb</u>	<u>\$60.00 each</u>
	<u>Weights > 3 kg / > 5 lb</u>	<u>\$200.00 each</u>
<u>M1, M2, M3, 4, 5, 6, 7, F, P, Q, T</u>	<u>Weights 0-3 kg / 9 lb</u>	<u>\$20.00 each</u>
	<u>Weights 4 kg / 10-160 lb</u>	<u>\$60.00 each</u>
	<u>161 lbs – 3000 lbs</u>	<u>\$150.00 each</u>
	<u>Weight Carts</u>	<u>\$250.00 each</u>
	<u>Provers <100 gal</u>	<u>\$750.00 each</u>
	<u>Provers >100 gal</u>	<u>\$1000.00 each</u>
	<u>5 gal Test Measures</u>	<u>\$80.00 each</u>

<u>TABLE 1-B METROLOGY RATES</u>	
<u>Hourly Rate (Minimum of one hour)</u>	<u>\$175/hour</u>

(3-15-22)

<u>REGISTERED SERVICE PERSON FEES</u>	
<u>Registered Service Person License Fee</u>	<u>\$150 each</u>

017. VOLUNTARY INSPECTION OF WEIGHING AND MEASURING INSTRUMENTS, ~~AND DEVICES, RE-EXAMINATION OF REJECTED DEVICES, AND FEES.~~

In addition to commercially used weighing and measuring instruments and devices, the ~~Bureau~~ISDA, at the request of an owner or user thereof, may inspect and test non-commercial weighing or measuring instruments or devices to ascertain if they are correct. Any entity making such special request, ~~or a re-examination of a rejected device,~~ must pay the ~~Bureau~~ISDA the cost of the inspection as listed in ~~Section 016 and 100.~~ (7-1-26)

Commented [SY8]: This will need updated if we move the special charges to section 016.

018. LICENSE DISPLAYED.

Any owner or user of commercially used weighing and measuring instruments and devices must display the current

annual license for those instruments and devices in a prominent place at the same physical location where those devices are installed or used. In the case of devices installed on vehicles, the license must be carried in the vehicle on which the device is installed. (3-15-22)

019. -- 099. (RESERVED)

100. CHARGES FOR SPECIAL REQUEST TESTING, ~~OR EXAMINATION, OR RE-EXAMINATION.~~

01. Mileage Charges. (3-15-22)

a. Current state mileage rate for car travel. (7-1-26)

b. ~~SeventyNintey~~-five cents (\$~~.975~~) a mile for pickup and prover. (3-15-22)

c. Two dollars and ~~fiftyseventy-five~~ cents (\$~~2.7550~~) a mile for heavy capacity scale trucks. (3-15-22)

02. Fee Collection. Such fees will be collected ~~to and from staff assigned work station. place where working and back.~~ Where more than one (1) request is to be handled on same trip, the mileage will be prorated between the parties requesting the service. (3-15-22)

03. Personnel Charges. There will also be an hourly personnel charge of ~~thirty-fifty~~ dollars (\$~~530~~) per hour per person for special request testing, chargeable during the time of the actual testing and examination of devices and for driving time. (3-15-22)

101. -- ~~999449~~. (RESERVED)

450. LICENSES FOR ~~SERVICE PERSONS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES.~~

01. Application. A registered service person must apply for a license on a form prescribed by the Department.

a. The ISDA reserves the right to deny any application for a license.

02. Annual Application Period and Fees. Registered service persons must have a license in place in order to place a commercial device into service. All licenses, regardless of when issued, expire December 31 of the license year. Applications must be complete and include a non-refundable application fee according to section 016 of this rule.

a. The application period is November 1 through December 31 of each year for the next calendar year. a late fee of two hundred fifty dollars (\$250) will be applied to each late license application for previously licensed registered service persons.

03. Application Approval. An applicant will be notified when the application has been approved or denied. Upon notification of approval of a license application, the applicant must remit to the ISDA the appropriate license fees according to section 016 of this rule. Upon receipt of payment of the license fee, the license will be issued.

04. License Not Transferable. All licenses are non-transferable.

05. Registered Service Person License. A licensed registered service person authorizes an individual person to place into service any commercial weighing and measuring devices.

06. NTEP. National Type Evaluation Program.

Commented [CM9]: Not sure if these are correct, but updated them based on the notes I have.

Commented [CM10]: Move Into fee table and strike this.

Commented [CM11]: Stacie, you have a comment as follows: As per section 004, the director incorporates Handbook No. 130 Uniform Laws and Regulations in the Areas of Metrology and Fuel Quality as referenced. Are you asking to incorporate this section by reference?

Commented [SY12]: Can we put something about an application for each agency and each registered service person.

Commented [CM13R12]: We can address and collect that information on the application.

07. **Placed Into Service.** The placement of a new NTEP device into commercial use or placing an NTEP device back into commercial use after being rejected by the ISDA.

08. **Ineligibility.** No license will be issued to an ineligible person.

a. A person who does not possess valid equipment necessary to certify commercial weighing and measuring devices.

b. A person who materially falsifies any information contained in a license application to the ISDA, or submits an application to the ISDA with any materially false statements or misrepresentations, is ineligible for a license.

09. **License Expiration.** A license is valid from January 1 until December 31 of each year, except for a license issued as a result of a late application, which is valid from date of issuance until December 31 of that year.

10. **Additional Responsibilities.** Registered service person must possess the appropriate certifications and equipment

a. At the time of applying, the registered service person must provide a copy of all intended equipment to be used by the licensee. The equipment certification date must not exceed more than two years at the time of applying.

11. **Suspension or Revocation of a License.** A registered service person's license may be suspended or revoked if the licensee violates the following three times within a one year period:

a. If the registered service person is found to be without acceptable equipment.

b. If the registered service person is found to negligently certify and place equipment into service.

c. If the registered service person places devices into service that are found to be significantly out of tolerance.

d. If the registered service person places a non-NTEP device into service.

e. A registered service person with a suspended license will be ineligible to obtain a license for a period of one (1) year from the date of the third violation.

f. A registered service person with three suspended licenses over a three year period may be ineligible for a future license.

12. **Violations.** Violations may include:

a. Any licensee found to exceed three suspended licenses over a three-year period.

b. Any person who violates or fails to comply with the rules promulgated under this chapter may be assessed a civil penalty by the ISDA or its duly authorized agent of not more than ten thousand dollars (\$10,000) for each offense and shall be liable for reasonable attorney's fees. Assessment of a civil penalty may be made in conjunction with any other ISDA administrative action. A political subdivision of the state may request the county prosecuting attorney to bring a civil action to enforce these rules.

Commented [CM14]: Statute also has civil penalties, but none related to registered serviceman. <https://legislature.idaho.gov/wp-content/uploads/statutesrules/id-stat/Title71/T71CH3.pdf>

Commented [CM15]: Civil penalty section.

451. -- 649. (RESERVED)

650. **RURAL FUEL EXEMPTION.**

01. Exemptions. Fuel dispensers located in a rural area may request an exemption. Devices for consideration must be licensed, but shall not be required to have an active Certificate of Conformance; these devices must have had an active Certificate of Conformance at one time and meet the required tolerance for the device.

651. -- 999.(RESERVED)