



FINAL RULE

NIST
United States
Department of
Commerce
Technology
Administration
National
Institute of
Standards and
Technology

UNIFORM LAWS AND REGULATIONS

in the area of legal
metrology and engine
fuel quality

enforced by
the 51st
Federal
Register on
Weights and
Measures, 2003



NIST Handbook **130**
2003

Uniform Regulation for National Type Evaluation

Section 1. Application.

This regulation shall apply to ^[NOTE 1, see page 138] any type of device and/or equipment covered in National Institute of Standards and Technology Handbook 44 for which evaluation procedures have been published in National Conference on Weights and Measures, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures."

NOTE 1: This section can be amended to include a list of devices or device types to which NTEP evaluation criteria does not apply. Additionally, a State can amend this section to allow it to conduct a type evaluation and issue a "Certificate of Approval." This approach should be limited to occasions where formal NTEP Type Evaluation criteria does not apply and to new technologies or device applications where the development of criteria is deemed necessary by the Director.

Section 2. Definitions

2.1. Active Certificate of Conformance. -- A document issued based on testing by a Participating Laboratory, which the certificate owner maintains in active status under the National Type Evaluation Program (NTEP). The document constitutes evidence of conformance of a type with the requirements of this document and the NIST Handbooks 44, 105-1, 105-2, or 105-3. By maintaining the Certificate in active status, the Certificate owner declares the intent to continue to manufacture or remanufacture the device consistent with the type and in conformance with the applicable requirements. For manufacturers of grain moisture meters, maintenance of active status also involves annual participation in the NTEP Laboratory On-going Calibration Program, OCP (Phase II). A device is traceable to ~~an~~ one or more active Certificates of Conformance if it was manufactured during the period that the Certificate was maintained in active status.

(Amended 2000 and 2001)

2.2. Device.-- Device means any weighing and measuring device as defined in § 2.15. Commercial and Law Enforcement Equipment.

2.3. Director. -- Means the _____ of the department of _____.

2.4. Manufactured Device. -- Any commercial weighing or measuring device shipped as new from the original equipment manufacturer.

(Added 2001)

2.5. National Type Evaluation Program. -- A program of cooperation between the National Conference on Weights and Measures, the National Institute of Standards and Technology, other Federal agencies, the States, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and National Conference on Weights and Measures, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures."

(Amended 2000)

2.6. One-of-a-Kind Device. -- A (non-NTEP) device designed to meet unique demands for a specific installation and of a specific *design* which is not commercially available elsewhere (one such device per manufacturer). If a device manufactured for sale by a company has been categorized and tested as a "one-of-a-kind" device and the manufacturer then decides to manufacture an additional device or devices of that same type, the device will no

longer be considered a “one-of-a-kind.” This also applies to a 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 another device of that same type in another State. In this case, the manufacturer of the device must request an NTEP evaluation on the device through the normal application process unless NTEP has already deemed that such evaluation will not be conducted.

(Amended 1998)

2.7. Participating Laboratory. -- Any State Measurement Laboratory or State Weights and Measures Agency or other laboratory that has been authorized to conduct a type evaluation under the National Type Evaluation Program.

(Amended 2001)

2.8. Person. -- The term "person " means both singular and plural, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

2.9. Remanufactured Device. -- A device that is disassembled, checked for wear, parts replaced or fixed, reassembled and made to operate like a new device of the same type.

(Amended 2001)

2.10. Remanufactured Element. -- An element that is disassembled, checked for wear, parts replaced or fixed, reassembled and made to operate like a new element of the same type.

(Added 2001)

2.11. Repaired Device. -- A device on which work is performed that brings the device back into proper operating condition.

(Amended 2001)

2.12. Repaired Element. -- An element on which work is performed that brings the element back into proper operating condition.

(Added 2001)

2.13. Type. -- 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.

2.14. Type Evaluation. -- The testing, examination, and/or evaluation of a type by a Participating Laboratory under the National Type Evaluation Program.

2.15. Commercial and Law Enforcement Equipment. -- (a) Weighing and measuring equipment consisting of connected components that are 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.^[NOTE 2, see page 139]

NOTE 2: *The section is identical to G-A.1., § 1.10, General Code, National Institute of Standards and Technology Handbook 44 for definition of "commercial" and "law enforcement equipment."*

Section 3. Certificate of Conformance

The Director shall require a device to be traceable to one or more active Certificates of Conformance prior to its installation or use for commercial or law enforcement purposes.

(Amended 2001)

Section 4. Prohibited Acts and Exemptions

(1) Except for a device exempted by this section, no person shall sell a device unless it is traceable to one or more active Certificates of Conformance.

(Amended 2001)

(2) Except for a device exempted by this section, no person shall use a device unless it is traceable to one or more active Certificates of Conformance.

(Amended 2001)

(3) A device in service in this State prior to July 11, 2002, that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 shall not be required to be traceable to one or more active Certificates of Conformance.

(Amended 2001)

(4) A device in service in this State prior to July 11, 2002 removed from service by the owner or on which the department has issued a removal order after July 11, 2002 and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device shall not be required to be traceable to one or more Certificates of Conformance.

(Amended 2001)

(5) A device in service in this State prior to July 11, 2002 which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 and shall not be required to be traceable to one or more active Certificates of Conformance.

(Amended 2001)

(6) A device in service in this State prior to July 11, 2002 that is still in use may be installed at another location in this State provided the device meets requirements in effect as of the date of installation in the new location; however, the device shall not be required to be traceable to one or more active Certificates of Conformance.

(Amended 2001)

(7) A device in service in another State prior to July 11, 2002 may be installed in this State; however, the device shall meet the specifications, tolerances, and technical requirements for weighing and measuring devices in National Institute of Standards and Technology Handbook 44 and be traceable to one or more active Certificates of Conformance.

(Amended 2001)

(8) **One-of-a-kind Device.** -- The Director may accept the design of a one-of-a-kind device without an NTEP evaluation pending inspection and performance testing to satisfy that the device complies with Handbook 44 and is capable of performing within the Handbook 44 requirements for a reasonable period of time under normal conditions of use. Indicators and load cells in all "one-of-a-kind" scale installations must have an active NTEP CC as evidence that the system meets the influence factor requirements of Handbook 44.

(Amended 1998 and 2001)

(9) **Repaired Device.** -- If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the active Certificate of Conformance.

(Amended 2001)

(10) **Remanufactured Device.** -- If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to one or more active Certificates of Conformance.

(Amended 2001)

(11) Copy of a Device. -- The manufacturer who copies the design of a device that is traceable to one or more active Certificates of Conformance, but which is made by another company, must obtain a separate Certificate of Conformance for the device. The Certificate of Conformance for the original device shall not apply to the copy.

(12) Device Components -- If a person buys a load cell(s) and an indicating element that are traceable to Certificates of Conformance and then manufactures a device from the parts, that person shall obtain an active Certificate of Conformance for the device.

(Amended 2001)

Section 5. Participating Laboratory and Agreements

The Director is authorized to:

(1) Operate a Participating Laboratory as part of the National Type Evaluation Program. In this regard, the Director is authorized to charge and collect fees for type evaluation services.

(2) Cooperate with and enter into agreements with any person in order to carry out the purposes of the act.

Section 6. Revocation of Conflicting Regulations

All provisions of all orders and regulations before issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, are hereby revoked.

(Amended 2001)

Section 7. Effective Date

This regulation shall become effective on July 11, 2002.

(Amended 2001)