

901:6-8-01

~~Voluntary registration~~Registration of Ohio's servicepersons and service agencies.

(A) Definitions:

- (1) "Registrant" means a serviceperson or service agency which has been registered by the department.
- (2) "Commercial weighing and measuring device" means any weight, measure, or weighing or measuring device commercially used or employed in establishing size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption which are purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that ~~its~~the accessory's operation affects, or may affect, the accuracy of the device.
- (3) "Serviceperson" means any individual who installs, services, repairs, places into service, or reconditions, for hire, award, commission, or any other payment of kind, a commercial weighing or measuring device; ~~also shall have the authority to place devices in service.~~
- (4) "Service agency" means any individual, agency, firm, company, or corporation which for hire, award, commission, or any other payment of kind, installs, services, repairs, places into service, or reconditions a commercial weighing or measuring device.
- (5) "Certificate of registration" shall mean a document issued biennially by the department based on payment of the appropriate fee, satisfactory completion of the qualifying ~~examination(s)~~examination, and provided that applicant meets all other applicable requirements of paragraph (D) of this rule.
- (6) "Broken seal form" means the notification form which includes descriptive information about a device and indicates that a security seal has been broken which can be found on the department's website [www.agri.ohio.gov](http://www.agri.ohio.gov).
- (7) "~~Newly installed~~Install" means a device being moved to a new location or being put into commercial service for the first time.
- (8) "Rejected" means a device that is not correct.
- (9) "Condemned" means a device that is in need of repair and cannot be used until

repaired.

(10) "Security seal" means a uniquely identifiable physical seal, such as a lead-and-wire seal or other type of locking seal, a pressure sensitive seal sufficiently permanent to reveal ~~its~~the security seal's removal, or similar apparatus attached to a weighing or measuring device for protection against or indicating of access to adjustment, or an audit trail that indicates access to the adjustment.

(11) "Department" means the Ohio department of agriculture.

(B) Applications:

(1) Applications by individuals seeking a certificate of registration shall be submitted to the department ~~and shall be in writing~~ on forms prescribed by the ~~department~~director which can be found at [www.agri.ohio.gov](http://www.agri.ohio.gov).

(2) ~~Each application shall provide such information that will enable the department to approve, on the qualifications of the applicant, the certificate of registration.~~ All valid and complete applications shall include the following information:

(a) Present residence;

(b) Location of business to be licensed under this rule;

(c) Whether the applicant has had any previous registration under this rule or any federal, state, county or local law, ordinance or rule relating to servicepersons and service agencies;

(d) Whether such applicant has ever had a registration suspended or revoked;

(e) Whether the applicant has been convicted of a felony; and

(f) Other information as the department deems necessary to determine if the applicant is qualified to receive a certificate of registration.

(C) Before any certificate of registration is issued, the department shall require the applicant for registration to meet the following qualifications:

- (1) Have possession of or available for use weights and measures, standards and testing equipment appropriate in design and adequate in amount to provide the services for which such person is requesting registration. Such weights and measures shall meet applicable specifications of "National Institute of Standards and Technology Handbook 105 Series" and have current calibration reports by an approved Ohio laboratory as described in paragraphs (F) and (G) of this rule. These standards can be found at [www.nist.gov](http://www.nist.gov).
- (2) Passes a qualifying examination for each type of weighing and measuring device to be installed, serviced, reconditioned, or repaired. Applicants for registration must pay a non-refundable examination fee of ~~twenty~~ ~~five~~ twenty-five dollars at the time of signing up for ~~their~~ the qualifying examination. A new application and examination fee shall be required for every qualifying examination.
- (3) Demonstrates a working knowledge of weighing and measuring devices for which the applicant intends to be registered.
- (4) Has a working knowledge of all appropriate weights and measures laws, rules, and examination procedure outlines.
- (5) Pays the prescribed registration fee for the type of registration:
  - (a) The biennial fee for a serviceperson certificate of registration shall be seventy-five dollars.
  - (b) The biennial fee for a service agency certificate of registration shall be two hundred dollars.
- (D) Each registered service agency and serviceperson shall have approved ~~report forms~~ "Place in Service Reports". ~~A serviceperson shall have approved report forms known as "Placed In Service Reports."~~ Such forms shall include the assigned registration number and shall be signed by the registered serviceperson for each device installed, restored, rejected, or repaired. In the case where a registered serviceperson is representing a service agency, both assigned registration numbers shall be included.
- (E) Within seven days after a device is serviced, restored to service, or placed in service, the original of a properly executed report form or "Placed In Service Report," together with any official rejection tag or seal as described in "National Institute of Standards and Technology Handbook 44," removed from the device, shall be either mailed or emailed to the department.

(F) A registered service agency and a registered serviceperson shall submit at least once every two years ~~to the department,~~ for the examination and certification ~~of,~~ any standards ~~and~~or testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices ~~for which competence is registered.~~ A registered serviceperson or agency shall not use, in servicing commercial weighing or measuring devices, any standards or testing equipment that have not been certified or approved by the department.

~~(G) When a serviceperson's or service agency's weights and measures are carried to a "National Institute of Standards and Technology" approved out-of-state weights and measures laboratory for inspection and testing, the~~As required by paragraph (F) of this rule, a serviceperson or service agency shall ~~carry~~ be responsible for providing the department a copy of the current certification of all commercially used weights and measures ~~used in the repair, service or~~for inspection and testing of weighing or measuring devices within the state of Ohio.~~to either:~~

(1) The Ohio department of agriculture, division of weights and measures metrology laboratory;

(2) A "National Institute of Standards and Technology" recognized laboratory; or

(3) With the prior approval from the department, an "International Laboratory Accreditation Cooperation (ILAC), Mutual Recognition Arrangement (MRA)" signatory accredited laboratory.

The serviceperson or service agency shall be responsible for providing the department a copy of the current certification of all weights and measures used in the repair, service, or testing of commercially used weighing or measuring devices within the state of Ohio.

(H) No ~~serviceperson or service agency~~person shall ~~calibrate their own or any other serviceperson's or service agency's commercial standards~~install, service, repair, place into service, or recondition any commercial weighing or measuring device without a registered serviceperson license issued by the director of the Ohio department of agriculture.

~~(I) All registered servicepersons placing into service scales in excess of thirty thousand pounds capacity shall have a minimum of ten thousand pounds of state approved certified test weights to accurately test a scale.~~

~~(J)~~(I) Persons working as apprentices are not subject to registration if ~~they work~~the apprentice works with and under the supervision of a registered serviceperson.

~~(K)~~(J) The director shall:

- (1) Have the right to review all report forms for acceptance or rejection purposes.
- (2) For good cause and after a hearing upon reasonable notice, deny any application for a renewal of registration, or may revoke or suspend the registration of any registrant.
- (3) Publish from time to time as ~~he~~the director deems appropriate, and may supply upon request, lists of registered servicepersons and registered service agencies.
- (4) Assign registration numbers to service agencies and servicepersons if ~~it~~the service agency or serviceperson is determined ~~that the applicant is~~to be qualified.