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901:6-8-01 **Definitions.**

As used in this Chapter:

- (A) "Certificate of registration" means the document issued biennially by the department upon satisfactory completion of the requirements listed in rule 901:6-8-02 of the Administrative Code.
- (B) "Commercial used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and the rules of Division 901:6 of the Administrative Code. "Commercially used weighing and measuring device" includes, but is not limited to, a livestock scale, vehicle scale, railway scale, vehicle tank meter, bulk rack meter, and LPG meter.
- (C) "Condemned" means a device that is in need of repair and cannot be used until repaired.
- (D) "Correct" means a device that conforms to the standard within the applicable tolerances and other performance requirements as well as meeting all applicable specification requirements.
- (E) "Department" means the Ohio department of agriculture.
- (F) "Newly installed" means a device being moved to a new location or being put into commercial service for the first.
- (G) "Placed in service form" means a record verifying that a registered serviceperson has tested new, newly reconditioned, or adjusted equipment and found it to be correct.
- (H) "Registrant" means a serviceperson or service agency which has been registered by the department.
- (I) "Rejected" means a device's performance or value fails to conform to the standard within applicable tolerances and other performance and specification requirements, as outlined in handbook 44 which has been adopted in rule 901:6-1-01 of the Administrative Code.
- (J) "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 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.
- (K) "Service agency" means any individual, agency, firm, company, or corporation which for hire, award, commission, or any other payment of kind, installs, services, repairs, or reconditions a commercial weighing or measuring device.
- (L) "Serviceperson" means any individual who installs, services, repairs, 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.

901:6-8-02 **Registration of serviceperson.**

(A) Pursuant to ORC. 1327.502, all servicepersons employed by a commercially used weighing or measuring device service agency shall register with the department.

(B) Applications:

(1) Individuals seeking to register as a serviceperson shall submit an application to the department in writing

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on the form prescribed by the department which can be found at www.agri.ohio.gov.

(2) Each application shall provide such information that will enable the department to grant the applicant registration based on the applicant's qualifications. All valid and complete applications shall include the following information:

(a) Applicant's residence;

(b) Name and address of the service agency which the applicant is employed with;

(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 registration.

(C) Before any 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 the applicant 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.

(2) Passes a qualifying examination for each type of weighing and measuring device to be installed, serviced, reconditioned, or repaired. Applicants must pay a non-refundable examination fee of twenty five dollars at the time of registering for their 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) Have a working knowledge of all appropriate weights and measures laws, rules, and examination procedure outlines.

(5) Pays the seventy five dollar biennial fee for a serviceperson registration.

(6) Pays a ten dollar fee for a replacement registration certificate, if applicable.

(D) Should a serviceperson leave the employment of a service agency, the serviceperson must notify the department within thirty days.

(E) The director, for good cause and after a hearing upon reasonable notice, deny any application for registration or for renewal of registration, or may revoke or suspend an individual's registration.

*****DRAFT - NOT FOR FILING*****

901:6-8-03 Registration of service agency.

(A) Service agencies may voluntarily register with the department as a certified service agency by completing the following:

- (1) Submitting an application in writing on forms prescribed by the department. Applications may be found by visiting the department's website at www.agri.ohio.gov.
- (2) Employing a current registered service person.
- (3) Paying a two hundred dollar biennial fee for a service agency registration.

(B) Should a serviceperson leave the employment of a service agency, the service agency must notify the department within thirty days.

901:6-8-04 Recordkeeping.

(A) Each registered serviceperson shall have their placed in service report form approved by the department. The director has the right to review all report forms for acceptance or rejection purposes. Only forms approved by the department shall be used by registered servicepersons. Any updated forms need department approval prior to use.

(B) Within seven days after a device is serviced, restored to service, or placed in service, the registered serviceperson shall file the placed in service report form together with any official rejection tag or seal as described in National Institute of Standards and Technology Handbook 44, removed from the device, with the department and the local jurisdiction. This form may be either faxed, mailed, or emailed to both the department and the local jurisdiction.

(C) Placed in service reports 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.

901:6-8-05 Standards and testing.

(A) All registered servicepersons shall submit all standards and testing equipment which are used or are to be used in the performance of the service and testing functions of weighing and measuring devices upon initially registering. All registered servicepersons shall submit their standards and testing requirement for testing within two years from the date of the last recalibration. Failure to timely submit standards and testing equipment, or evidence thereof, to the department will result in the suspension or revocation of serviceperson registration until a report is submitted.

(B) Registered servicepersons may submit their standards and testing equipment to either of the following entities:

- (1) The department; or
- (2) A National Institute of Standards and Technology approved weights and measures laboratory which has a status greater than or equal to the department in the particular standard or testing equipment being used.

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If utilized, the serviceperson or 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 weighing or measuring devices within the state of Ohio.

(C) A registered serviceperson shall not use, in servicing commercially used weighing or measuring devices, any standards or testing equipment that have not been certified as outlined in paragraphs (A) and (B) of this rule.

(D) No serviceperson shall calibrate their own or any other serviceperson's commercial standards.

(E) 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.

901:6-8-06 Security seals.

(A) All devices designed to have a security seal shall have the security seal placed on the device by a county or state weights and measures official, or a registered serviceperson prior to being placed in service.

(B) Security seals placed on devices shall include the registered number issued by the department of the registered service person who installed the security seal.

(C) Prior to breaking a security seal on a device, a registered serviceperson must notify the local jurisdiction or the department pursuant to section 1327.61 of the Revised Code.

(D) Owners or operators of devices performing the following minor routine maintenance that does not require the breaking of a security seal may do so without utilizing a registered serviceperson:

(1) Changing lightbulbs; and

(2) Changing receipt tape.