

NEBRASKA ADMINISTRATIVE CODE

TITLE 27, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1

DEPARTMENT OF AGRICULTURE

VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL REGULATIONS

December, 2016

NEBRASKA ADMINISTRATIVE CODE

TITLE 27 - DEPARTMENT OF AGRICULTURE

CHAPTER 1 - VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL  
REGULATIONS

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Definitions	§§89-182.01 to 89-1,103	001
Reciprocity	§§89-182.01 to 89-1,103	002
Applying for Registration	§§89-182.01 to 89-1,103	003
Qualification Testing	§§89-182.01 to 89-1,103	004
Registration	§§89-182.01 to 89-1,103	005
Certification of Registration	§§89-182.01 to 89-1,103	006
Privileges of Registration	§§89-182.01 to 89-1,103	007
Responsibilities of Registration	§§89-182.01 to 89-1,103	008
Placed in Service Report	§§89-182.01 to 89-1,103	009
Standards and Testing Equipment	§§89-182.01 to 89-1,103	010
Probation, Suspension or Revocation of Certificate of Registration	§§89-182.01 to 89-1,103	011
Annotation	§§89-182.01 to 89-1,103	012

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 27 – DEPARTMENT OF AGRICULTURE

#### CHAPTER 1 -VOLUNTARY REGISTRATION OF SALES AND REPAIR PERSONNEL REGULATIONS

001 Definitions. In addition to the definitions found in Neb. Rev. Stat. §89-183 the following definitions shall apply to these regulations.

001.01 Act shall mean the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103 including the handbooks adopted by reference in Neb. Rev. Stat. §89-186.

001.02 Applicant shall mean a person seeking registration as a sales and repair personnel or registration as a sales and repair business.

001.03 Employee sales and repair personnel shall mean an individual working as a sales and repair personnel for a registered sales and repair business.

001.04 Registered person shall mean a registered sales and repair personnel, a registered sales and repair business or an employee sales and repair personnel who has met the requirements of 27 NAC 1-004 and has been reported to the Director as set out in 27 NAC 1-005 by the sales and repair business.

001.05 Registered sales and repair personnel shall mean any individual who for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing and measuring device, and who voluntarily registers as such with the Director.

001.06 Registered sales and repair business shall mean any person employing employee sales and repair personnel.

002 Reciprocity. The Director may enter into a reciprocal agreement with any other State to provide registration standards for applicants. The standards shall be based on Nebraska requirements.

003 Applying for Registration. To apply for voluntary registration, a sales and repair personnel or a sales and repair business shall annually certify that the applicant meets the requirements of 27 NAC 1-008 and has in possession, or available for use, all testing equipment and standards to meet the requirements of 27 NAC 1-010.

004 Qualification Testing. Prior to initial registration, and at least every three years thereafter, a sales and repair personnel or employee sales and repair personnel shall be required to pass an examination established by the Director to determine that the person taking the test is qualified to sell, install, service, repair or recondition the devices for which competence is to be registered. The examination shall assess knowledge of provisions of the Act and the regulations adopted pursuant to the Act.

005 Registration.

005.01 An annual fee of forty-five dollars (\$45.00) shall be assessed for all registered sales and repair personnel. Sales and repair businesses shall pay a fee equal to forty-five dollars (\$45.00) times the number of employee sales and repair personnel working for the business. If at any time during the year for which the sales and repair business is registered the business employs any additional employee sales and repair personnel, the business shall pay an additional forty-five dollar (\$45.00) fee per additional employee sales and repair personnel.

005.02 The annual registration fee shall be due on January 31 of each year. Persons seeking registration at any time during the year shall pay the entire fee.

005.03 Upon payment of the annual registration fee, a sales and repair personnel business shall provide to the Director a list of all employee sales and repair personnel working for that business. Any change in the list of individuals shall be immediately reported in writing to the Director.

005.04 An employee sales and repair personnel shall no longer be a registered person if he or she ceases to be employed by the sales and repair business for which he or she is registered. If the employee sales and repair personnel changes employers or becomes self-employed, the employee sales and repair personnel shall pay the annual registration fee, however, the Director may waive the testing requirements of 27 NAC 1-004, provided the employee sales and repair personnel has passed the test within the past three years.

006 Certificate of Registration.

006.01 An applicant shall receive an annual Certificate of Registration upon the Director's determination that:

006.01A The applicant has met the requirements of 27 NAC 1-003;

006.01B The applicant has passed the appropriate examination as required in 27 NAC 1-004;

006.01C The applicant is in compliance with 27 NAC 1-010; and

006.01D The applicant has submitted the total fee due as required in 27 NAC 1-005.

006.02 A Certificate of Registration shall expire each year on January 31.

007 Privileges of Registration.

007.01 Persons who have been issued a valid Certificate of Registration as set forth in 27 NAC 1-006 shall have the authority to:

007.01A Remove an official rejection tag or mark placed on a weighing and measuring device by the Director;

007.01B Place in service, until such time as an official examination can be made, a weighing and measuring device that has been officially rejected by the Director; and

007.01C Place in service, until such time as an official examination can be made, a new or used weighing and measuring device.

007.02 All work on weighing and measuring devices authorized by 27 NAC 1-007.01 shall be performed by or under the direct supervision of a registered person.

007.03 Registered persons shall not be authorized to perform the work described in 27 NAC 1-007.01 for any entity for which the registered person may have a conflict of interest including being an employee of the entity unless such registered person provides written documentation to the Director's satisfaction that the registered person is acting in a manner which is not, in fact, a conflict of interest.

008 Responsibilities of Registration. To remain qualified and retain a valid Certificate of Registration, registered persons shall comply with all applicable provisions of the Act and regulations adopted pursuant to the Act. Registered persons are responsible to adjust all devices as closely as practicable to zero error.

009 Placed in Service Report. Placed in Service Reports shall be obtained by registered persons from the Director or the registered persons may electronically replicate the reports as a true and accurate copy. Placed in Service Reports shall be executed in triplicate, shall include the assigned registration number, and shall be signed by the registered sales and repair personnel or the employee sales and repair personnel, actually performing the work for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the Placed in Service Report which meets the requirements of these regulations shall be mailed to the Director at the address listed on the report or electronically submitted to the Director. An electronic submission is required to include the signature of the sales and repair personnel or the employee sales and repair personnel. The duplicate copy of the report shall be provided to the owner or operator of the device, and the triplicate copy of the report shall be retained by the registered person.

010 Standards and Testing Equipment.

010.01 At least every 12 months, all field standards that are used for servicing, installing, repairing, reconditioning and testing weights and measures devices for which the competence of a sales and repair personnel or employee sales and repair personnel is registered shall be submitted to the Director. Prior to initial and subsequent use, the standards are required to be verified as correct, calibrated, or both, by the Director.

010.02 Registered persons shall not use in servicing, installing, repairing or reconditioning commercial weighing and measuring devices any field standards or testing equipment that have not been verified as correct, calibrated, or both, in compliance with 27 NAC 1-010.01.

010.03 In lieu of submission of physical standards, the Director may accept proper documentation that the standards being used have been verified as correct, calibrated, or both, by any laboratory that is formally accredited or recognized by the National Institute of Standards and Technology.

010.04 The Director may also periodically monitor calibration results and verify field standard compliance to specifications and tolerances.

011 Probation, Suspension or Revocation of Certificate of Registration. The Director may place a registered person on probation or suspend or revoke a Certificate of Registration if the Director finds that any registered person is not qualified as set forth in 27 NAC 1-008 to be registered, has failed to pay all fees due as set forth in 27 NAC 1-005 or has performed work which is not authorized by 27 NAC 1-007. Proceedings to take any such action on a registered person may include the Department mandating the removal of an individual from the list of employee sales and repair personnel working for a registered sales and repair business. The provisions for hearings and notice for permitholders under the Act shall apply to registered persons.

012 Annotation. Neb. Rev. Stat. §§89-182.01 to 89-1,103.