

901:6-8-01

Voluntary registration of Ohio's servicepersons and service agencies.

~~(A) For the benefit of the users, manufacturers, and distributors of commercial weighing and measuring devices, it shall be the policy of the director of agriculture, hereinafter referred to as "director," to accept registration of: (1) an individual, and (2) an agency, providing acceptable evidence that he, she, or it is fully qualified by training or experience to install, service, repair or recondition a commercial weighing and measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and has possession of or available equipment for use, and will use calibrated weights and measures standards and testing equipment appropriate in design and adequate in amount.~~

~~(B)~~(A) Definitions:

- (1) "Registrant" means ~~a serviceperson or service agency which has been any individual, partnership, corporation, agency, firm, or company registered by the department who installs, services, repairs or reconditions for hire, award, commission, or any other payment of any kind for a commercial weighing or measuring device.~~
- (2) "Commercial weighing and measuring device" means any weight, ~~or~~ 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 operation affects, or may affect, the accuracy of the device.
- (3) "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.
- (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, or reconditions a commercial weighing or measuring device.
- (5) "Certificate of registration" shall mean a document issued biennially by the ~~Ohio department of agriculture~~ based on payment of the appropriate fee, satisfactory completion of the qualifying examination(s), and provided that applicant meets all other applicable requirements of paragraph (D) of this

rule.

- (6) "Broken seal form" means a 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.
- (7) "Newly installed" 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 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.

~~(C)~~(B) Applications:

- (1) Applications by individuals ~~for~~ seeking a certificate of registration shall be ~~made~~ submitted to the department and shall be in writing on forms prescribed by the department which can be found at www.agri.ohio.gov, available from the department.
- (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:~~Such information requests shall include:~~
 - (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 ~~regulation~~ 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.

~~(D)~~(C) Before any certificate of registration is issued, the department shall require the ~~registrant~~ 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~~105-1, 105-2 or 105-3.~~" 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 for registration must pay a non-refundable examination fee of twenty five dollars at the time of signing up 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) 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 ~~one hundred~~ seventy five dollars.
 - (b) The biennial fee for a service agency certificate of registration shall be two hundred dollars.

~~(E)~~(D) Each registered service agency and serviceperson shall have approved report

forms. A serviceperson shall have approved report forms known as "Placed In Service Reports." Such forms shall ~~be executed in quadruplet, shall~~ include the assigned registration number ~~(in the case where a registered serviceperson is representing a service agency, both assigned registration numbers shall be included)~~; and shall be signed by the registered serviceperson for each device installed, restored, rejected, or repaired ~~device restored to service and for each newly installed device placed in service.~~ In the case where a registered serviceperson is representing a service agency, both assigned registration numbers shall be included.

~~(F)~~(E) Within ~~ten~~ 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 NIST Handbook 44," removed from the device, shall be either mailed or emailed to the department.

~~(G)~~(F) A registered service agency and a registered serviceperson shall submit at least once every two years to the department, for examination and certification, any standards and 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 by the department.

~~(H)~~(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 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 weighing or measuring devices within the state of Ohio.

(H) No serviceperson or service agency shall calibrate their own or any other serviceperson's or service agency's commercial standards

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

(K) 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 deems appropriate, and may supply upon request, lists of registered servicepersons and registered service agencies.
- (4) Assign registration numbers to agencies and servicepersons if it is determined that the applicant is qualified.

Effective: 09/04/2015

Five Year Review (FYR) Dates: 06/03/2015 and 09/04/2020

CERTIFIED ELECTRONICALLY

Certification

08/25/2015

Date

Promulgated Under: 119.03
Statutory Authority: 901.10; 1327.50
Rule Amplifies: 1327.50
Prior Effective Dates: 4/1/1989; 2/15/2010