



PUBLIC and DEPUTY PUBLIC WEIGHMASTER HANDBOOK

ARIZONA REVISED STATUTES, CHAPTER 19 – DEPARTMENT OF WEIGHTS AND MEASURES

Chapter 19 Weights and Measures Services Division

3-3401. Definitions

In this chapter, unless the context otherwise requires:

33. "Public weighmaster" means any person who is engaged in any of the following:

- a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate intended to be accepted as an accurate weight on which a purchase or sale is to be based or on which a service fee is to be charged.
- b) The business of weighing for-hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

3-3453. License as public weighmaster or deputy weighmaster required; application; fee; renewal; exemptions

(L15, Ch. 244, sec. 12. Eff. 7/1/16)

A. A person shall not serve as a public weighmaster or deputy weighmaster unless the person is issued a public weighmaster or deputy weighmaster license by the division in accordance with practices and procedures to be established by the associate director. An applicant for a public weighmaster or deputy weighmaster license shall:

1. Demonstrate a thorough knowledge of all appropriate weights and measures laws, rules and policies.
2. Have possession of, or have available for use, a scale that is of sufficient capacity and size and that is licensed and certified pursuant to section 3-3451.
3. Demonstrate the necessary experience and training to operate the scale.
4. Pass the required examination administered by the division.

B. An application for a public weighmaster or deputy weighmaster license shall be submitted to the division on a form prescribed and furnished by the division and shall be accompanied by the license fee prescribed in section 3-3452. The division shall issue a public weighmaster or deputy weighmaster license for a period of twelve calendar months. The license expires on the first day of the month and year indicated on the license. A public weighmaster or deputy weighmaster license shall be posted at the licensed scale site in a manner that provides the division access to the license during normal business hours.

C. If a licensee submits a license renewal application to the division before the date of expiration of the current license together with the renewal fee prescribed by the division, the existing license shall be valid for thirty days following its expiration date, or until issuance of the renewal license, whichever occurs first.

D. Except as otherwise provided in subsection F of this section, certified weighing of any property, livestock or commodity shall be performed only by a public weighmaster or deputy weighmaster. The following persons are not required to obtain licenses as public weighmasters or deputy weighmasters:

1. A person weighing property, livestock or a commodity that the person or the person's employer is either buying or selling for the person's or the person's employer's own account.
2. A person weighing property, livestock or a commodity in conjunction with or on behalf of a publicly sponsored or nonprofit organization sponsored exposition, fair or show event.

E. The official weighing of vehicles or conveyances by any employee of a city, county or state agency for weight-control regulatory purposes on public highways, roads or streets does not constitute public weighing.

F. On request and without charge, the division may issue a limited weighmaster license to any qualified officer or employee of a city, a county or the state authorizing the officer or employee to act as a public weighmaster only within the scope of the officer's or employee's official employment and duties in enforcing local ordinances substantially complying with the requirements of this chapter. While performing the duties of a limited

weighmaster, a limited weighmaster shall have the limited weighmaster's license in the limited weighmaster's possession.

G. The division shall approve all forms, certificates, seals and other documents together with practices, procedures and equipment used by public weighmasters or deputy weighmasters in the performance of their duties. A public weighmaster or deputy weighmaster shall keep for such period as the division by rule may require a legible copy of each weight certificate the public weighmaster or deputy weighmaster issues. Copies of weight certificates shall be available at all reasonable times for inspection by the division.

3-3475. Civil penalties; hearing

A. A person who violates this chapter, any rule of the division or any license requirement is subject to a civil penalty imposed by the associate director.

B. A person who violates this chapter, any rule of the division or any license requirement may request an informal or formal hearing to review a civil penalty imposed under this section. If the person requests an informal hearing, the division may conduct the informal hearing, in person or telephonically, to resolve a warning or citation. If the person requests a formal hearing or the warning or citation is not resolved in the informal hearing, the division shall conduct a formal hearing in accordance with title 41, chapter 6, article 10. Except as prescribed in subsection C of this section, the civil penalty shall not exceed one thousand dollars for each infraction nor more than ten thousand dollars for any thirty-day period at each business location, for each registered service representative or for each public weighmaster, provided that no person shall be assessed more than fifty thousand dollars per thirty-day period.

C. The associate director may double the maximum civil penalty if any of the following applies:

1. A commercial device is found to be in violation with results that favor the retailer at more than twice the allowable tolerance as stated in national institute of standards and technology handbook 44.

2. A package is found to exceed the maximum allowable variation for the labeled quantity allowed in national institute of standards and technology handbook 133 or the average error of the lot is twice the sample error limit in favor of the retailer.

3. A vapor recovery system reinspection fails the required tests.

4. A maximum civil penalty has been imposed on a retailer for a price posting or price verification violation and in a reinspection, if conducted within ninety days, the failure rate is ten percent or more and at least one error is in favor of the retailer.

5. A maximum civil penalty has been imposed on a refiner, refinery, pipeline, terminal, fuel transporter, registered supplier or transmix processing facility for a violation of motor fuel quality standards or producing a product transfer document that is incorrect, incomplete or produced in any manner tending to mislead or deceive a person.

D. The attorney general shall bring actions to recover civil penalties pursuant to this section in the superior court in the county in which the violation occurred or in a county where the agency has its office. All monies derived from civil penalties shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

TITLE 3. AGRICULTURE CHAPTER 7.

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R3-7-101. Definitions

14. "Handbook 44" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (2017 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.

21. "NCWM" means the National Conference on Weights and Measures.

22. "NIST" means the National Institute of Standards and Technology.

30. "Seal of authority" means a stamp or press of the Division's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.

33. “Stop-sale, stop-use tag” means a blue tag or blue tape that signifies that a commercial device, including a vapor recovery system or vapor recovery component, or a commodity or liquid fuel, does not meet the requirements of A.R.S. Title 3, Chapter 19, Handbook 44, Handbook 130, Handbook 133, CARB Executive Orders, or this Chapter.

38. “Warning tag” means a yellow tag that signifies a commercial device, vapor recovery system, or vapor recovery component does not comply with A.R.S. Title 3, Chapter 19, Handbook 44, CARB Executive Orders, or this Chapter.

39. “Weight certificate” means a document, issued by a public weighmaster in a form approved by the Division, which certifies the accuracy of the weight of the commodity measured.

G. Public and deputy public weighmaster.

1. The Division may issue an administrative order if a public weighmaster’s:
 - a. Weigh tickets are not in numbered sequence or are missing,
 - b. The seal, press, or electronic seal is not readable, or
 - c. Records are not maintained according to R3-7-505.
2. The Division may issue an administrative order and impose a civil penalty up to \$500 on a public weighmaster if:
 - a. The public weighmaster’s weigh tickets contain inaccurate information,
 - b. The public weighmaster violates an administrative order,
 - c. The public weighmaster misuses a seal or press or has an unauthorized seal or press; or
 - d. The public weighmaster misuses an electronic seal or signature.
3. The Division shall confiscate a seal or press if a public weighmaster violates an administrative order issued to the public weighmaster.
4. The Division shall suspend, revoke, or refuse to renew a license if a public weighmaster does not comply with an enforcement action under this Section.
5. The Division shall issue an administrative order and a civil penalty up to \$300 to a person who performs public weighmaster duties without a license.
6. If a public weighmaster permits an unlicensed person to perform deputy public weighmaster duties, the Division may:
 - a. Impose a civil penalty up to \$300 on the public weighmaster for the first time the public weighmaster permits an unlicensed person to perform deputy public weighmaster duties;
 - b. Impose a civil penalty up to \$500 on a public weighmaster for the second time the public weighmaster permits an unlicensed person to perform deputy public weighmaster duties; and
 - c. Confiscate the public weighmaster’s records, equipment, and devices if the public weighmaster permits an unlicensed person to perform deputy public weighmaster duties more than twice.

R3-7-203. Approval, Installation, and Sale of Devices

A. A commercial device installed or placed in use after January 1, 1975, shall have an NCWM National Type Evaluation Program (NTEP) Certificate of Conformance or have a certificate of approval from the California Type Evaluation Program. NTEP Certificate of Conformance issuance may be verified at the NCWM website:

http://www.ncwm.net/ntep/cert_search.

1. If a commercial device has been continuously licensed, or evidence shows it has been in use by the owner in Arizona since January 1, 1975, the commercial device is exempt from NCWM or California Type Evaluation Program prototype approval.

2. If a commercial device exempt under subsection (A)(1) fails the specifications, tolerances, or other technical requirements of Handbook 44 during a Division inspection, the Division shall issue an out of service tag or

confiscate the device per R3-7-104(F)(3) and revoke the commercial device license. A person shall no longer use the device commercially.

ARTICLE 5. PUBLIC WEIGHMASTERS

R3-7-501. Qualifications; License and Renewal Application Process

A. In addition to the requirements of A.R.S. § 3-3453, to be a public weighmaster or a deputy public weighmaster, a person shall:

1. Be at least 18 years old,
2. Be able to operate a scale accurately, and
3. Be able to execute weight certificates properly.

B. A person shall not perform the duties of a public weighmaster until the person passes the written weighmaster examination administered by the Division with a minimum score of 75 percent. A person may not take the examination more than three times in six months and must wait 7 days before retaking the exam.

C. A person that meets the qualifications for public weighmaster or deputy public weighmaster may apply for a license on a form supplied by the Division. A separate application shall be submitted for each location the public weighmaster or deputy public weighmaster will issue weight tickets.

1. The application form includes:

- a. The applicant's name, address, and telephone number;
- b. A statement by the applicant that the applicant knows and understands weighmaster laws and rules;
- c. The name, address, and telephone number of each of the applicant's public weighmaster locations; and
- d. The applicant's signature.

2. The public weighmaster's application form also includes:

- a. The name of each deputy public weighmaster operating at each location;
- b. A statement that the public weighmaster understands they are responsible to ensure that any deputy public weighmasters working at the location are adequately trained and licensed;
- c. The name and address of the scale; and
- d. The scale description.

3. The deputy public weighmaster application shall include a certification that they understand the requirements on a form provided by the Division and be signed by both the public weighmaster and the applicant.

4. An applicant may be required to submit evidence of qualifications.

5. The public weighmaster shall ensure all deputy public weighmasters are licensed for the location prior to their issuance of weight tickets.

6. An applicant shall submit information and documentation concerning lawful presence required by A.R.S. § 41-1080.

D. Before the Division issues or renews a public weighmaster or deputy public weighmaster license, the applicant shall pay the required fees and provide information required in A.R.S. Title 3, Chapter 19, and this Chapter.

E. The Division does not charge a fee to process a change in name or address.

F. In the event a public weighmaster leaves employment, a licensed deputy public weighmaster may utilize a public weighmaster stamp which contains only the location identity as issued under R3-7-506(B) for 30 days at a location while a public weighmaster license application is underway. A public weighmaster stamp containing the public weighmaster's name may not be continued to be used following a public weighmaster's departure.

R3-7-502. Duties

A public weighmaster shall:

1. Be responsible for the daily operation and maintenance of the licensed scale used when performing weighmaster duties;
2. Use scales according to applicable laws and rules;
3. Be responsible for all acts performed by any deputy public weighmaster designated by the weighmaster; and.
4. Ensure deputy public weighmasters are licensed prior to their issuance of a weight ticket and cancel deputy public weighmasters licenses within 10 days of their leaving employment to ensure each location has the correct licensed deputy public weighmasters. A deputy public weighmaster license may be canceled by sending an e-mail or other written notification to the Division.

R3-7-503. Grounds for Denying License or Renewal; and Disciplinary Action

- A.** The Division may deny a weighmaster license for any of the following reasons:
1. Providing false or misleading information;
 2. Failing to meet the requirements stated in this Article; or
 3. Any of the reasons stated in subsections (B)(1) through (9).
- B.** The Division may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Division has determined that the public weighmaster:
1. Does not have the ability to weigh accurately;
 2. Has not correctly made weight certificates;
 3. Has been found to have violated any provision of A.R.S. Title 3, Chapter 19, or this Chapter;
 4. Has falsified a weight certificate;
 5. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
 6. Has improperly used a weighmaster's seal of authority;
 7. Has resigned certificates for later use;
 8. Has issued a weight certificate on which changes or alterations were made; or
 9. Has used a scale for public weighing that is not properly licensed.

R3-7-504. Scales and Vehicle Weighing

- A.** When making a weight determination, a public weighmaster shall use a weighing device that is suitable for the function.
- B.** The public weighmaster shall not use a scale to weigh a load that exceeds the normal or rated capacity of the scale.
- C.** The owner or user of a weighing device is responsible for the accuracy of the device used by a public weighmaster. The owner or user shall comply with Handbook 44.
- D.** If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.
- E.** The Division shall separately license and regulate each scale location.
- F.** A weighmaster shall weigh any vehicle or combination of vehicles on a scale having a platform that fully accommodates the vehicle or combination of vehicles as one unit.
- G.** If a combination of vehicles is divided into separate units to be weighed, each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

R3-7-505. Weight Certificates

- A.** In issuing a weight certificate, a public weighmaster shall enter only those weight values that the weighmaster or deputy public weighmaster has accurately and personally determined.
- B.** A public weighmaster or deputy public weighmaster shall not make any entries on a weight certificate issued by another person.

C. By signing a weight certificate, a weighmaster or the weighmaster's deputy shall be responsible for the accuracy of all entries on the weight certificate.

D. A weight certificate is valid only when properly signed and sealed by the issuing public weighmaster or the deputy public weighmaster. The name and image of the seal of the public weighmaster and deputy public weighmaster may be imprinted electronically on the weighmaster certificate in lieu of a handwritten signature and embossed seal if the electronically imprinted name and seal is that of the weighmaster or deputy public weighmaster who weighed, measured, or counted the commodity. To issue an electronic signature or seal, the weighmaster or deputy public weighmaster shall have an individual login associated with the electronic signature and seal or other security measures in place to prevent non-licensed persons from use.

E. If an error is made on a weight certificate, the weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a certificate.

F. A weight certificate shall state:

1. The date of issuance;
2. The name of the declared owner, agent, or consignee of the material weighed;
3. The accurate weight of the material weighed or counted;
4. The means by which the material is being transported at the time it is weighed or counted;
5. An identification number of the transporting unit, including a license number; and
6. The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE. This is to certify that the described merchandise was weighed, counted, or measured by a public or deputy public weighmaster, and when properly signed and sealed, is prima facie evidence of the accuracy of the weight, count, or measure shown as prescribed by law."
7. The printed name, signature, and license number of the public weighmaster or deputy public weighmaster issuing the weight ticket.

G. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of one year. A weighmaster also shall ensure that weight certificates are consecutively numbered and filed numerically, including voids. A weighmaster shall not use another filing system without Division approval.

H. A public weighmaster is liable for any forged signatures or electronic signatures.

R3-7-506. Seal of Authority

A. A weighmaster shall obtain a seal for the certification of weight certificates at cost through the Division.

B. The Division shall assign a number to a seal identifying the specific location for which the seal is issued.

C. A seal is the property of the state. A weighmaster shall surrender a seal to the Division within 30 days after the weighmaster no longer operates as a licensed public weighmaster if the seal contains the public weighmaster's name. If the seal was issued under R3-7-506(B) and only contains the location identification, it may be retained for use by the next licensed public weighmaster if it is still legible.

Illegible seals shall be surrendered to the Division.

D. A public weighmaster shall have one seal for use at each scale location.

E. A seal shall be accessible to the weighmaster and authorized deputies during all business hours at the scale location for the timely and proper certification of weight certificates.

F. A public weighmaster shall keep a seal of authority at each scale location and make it available for inspection by the Division during all business hours.

G. A public weighmaster may recreate the state-assigned seal in an electronic format for use as provided under subsection R3-7-505(D). The Division shall provide a template of seal.

R3-7-507. Prohibited Acts

A. A person shall not:

1. Issue a certified weight certificate without being a licensed public weighmaster or a person properly authorized to act for a public weighmaster;
2. Procure, print, or cause to be printed any public weighmaster weight certificate without being a licensed public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster;
3. Possess unfilled or unused public weighmaster weight certificate forms without being a licensed public weighmaster or a deputy public weighmaster authorized to act for a public weighmaster;
4. Furnish or give false information to a weighmaster for use in the completion of a weight certificate;
5. Present a certificate for payment falsified by the insertion of any weight, measure, or count not determined by the issuing weighmaster;
6. Use without authorization the title "licensed public weighmaster" or any similar title;
7. Represent oneself to be a public weighmaster without holding a license issued by the Division;
8. Engage in public weighing without holding a valid license as a public weighmaster, or acting under the authority of a licensed public weighmaster;
9. Use an unlicensed scale in the performance of public weighmaster duties; or
10. Operate a scale for public weighing unless
11. Nothing in this subsection shall be construed to prevent administrative staff of the public or deputy public weighmaster from performing administrative duties such as filing weight tickets.

B. People engaged in the business of printing weight certificate forms, their representatives, and the Division are exempt from the prohibitions specified in subsections (A) (2) and (3).