F. Uniform Regulation for National Type Evaluation

as adopted by
The National Conference on Weights and Measures*

1. Background

The Uniform Regulation for National Type Evaluation was adopted by the NCWM at the 68th Annual Meeting in 1983 and is a necessary adjunct to recognize and enable participation in the National Type Evaluation Program administered by the National Conference on Weights and Measures (NCWM). The Regulation specifically authorizes: type evaluation; recognition of a NCWM "Certificate of Conformance" of type; the State Measurement Laboratory to operate as a Participating Laboratory, if authorized by the National Institute of Standards and Technology (NIST) under its program of recognition of State Measurement Laboratories; and, the state to charge fees to those persons who seek type evaluation of weighing and measuring devices.

(Amended 2000)

At the 81st Annual Meeting in 1996, the NCWM adopted major revisions to the Uniform Regulation for National Type Evaluation. These revisions were made to clarify the requirements and incorporate the policies and guidelines adopted by the Executive Committee as published in NCWM Publication 14, "Technical Policy, Checklists, and Test Procedures."

(Amended 1997)

2. Intent

It is the intent of this regulation to have all states use the National Type Evaluation, as approved by the NCWM, as their examining procedure. If a state does not wish to establish a Participating Laboratory, Section 2.4. Participating Laboratory and Section 4. Participating Laboratory may be deleted.

3. Status of Promulgation

The table beginning on page 10 shows the status of adoption of the Uniform Regulation for National Type Evaluation.

**The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the states in securing uniformity in weights and measures laws and methods of inspection."*

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Uniform Regulation for National Type Evaluation

Section 1. Application

This regulation shall apply to [***NOTE 1***, page 161] any type of device and/or equipment covered in National Institute of Standards and Technology (NIST) Handbook 44 for which evaluation procedures have been published in the National Conference on Weights and Measures (NCWM), Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures."

NOTE 1: *This section can be amended to include a list of devices or device types to which NTEP evaluation criteria does not apply. Additionally, a state can amend this section to allow it to conduct a type evaluation and issue a "Certificate of Approval." This approach should be limited to occasions where formal NTEP Type Evaluation criteria does not apply and to new technologies or device applications where the development of criteria is deemed necessary by the Director.*

Section 2. Definitions

2.1. Active Certificate of Conformance (CC). – A document issued based on testing by a Participating Laboratory, which the certificate holder maintains in active status under the National Type Evaluation Program (NTEP). The document constitutes evidence of conformance of a type with the requirements of this document, NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and the test procedures contained in NCWM Publication 14. By maintaining the Certificate in active status, the Certificate holder declares the intent to continue to manufacture or remanufacture the device consistent with the type and in conformance with the applicable requirements. A device is traceable to an active CC if: (a) it is of the same type identified on the Certificate, and (b) it was manufactured during the period that the Certificate was maintained in active status. For manufacturers of grain moisture meters, maintenance of active status also involves annual participation in the NTEP Laboratory On-going Calibration Program, OCP (Phase II).

(Amended 2000, 2001, and 2004)

2.2. Device. – A piece of commercial or law enforcement equipment as defined in Section 2.15. Commercial and Law Enforcement Equipment. A device may be a single unit or a combination of separate and compatible main elements. A device shall include, at a minimum, those main elements that: (a) perform the measurement, and (b) process the measurement signals up to the first indicated or recorded value of the final quantity upon which the transaction is based.

(Amended 2004)

2.3. Director. – Means the _____ of the Department of _____.

2.4. Manufactured Device. – Any commercial weighing or measuring device shipped as new from the original equipment manufacturer.

(Added 2001)

2.5. National Type Evaluation Program. – A program of cooperation between the NCWM, NIST, other federal agencies, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and NCWM, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures.".

(Amended 2000)

2.6. One-of-a-Kind Device. – A (non-NTEP) device designed to meet unique demands for a specific installation and of a specific design which is not commercially available elsewhere (one such device per manufacturer). If a device manufactured for sale by a company has been categorized and tested as a "one-of-a-kind" device and the manufacturer then decides to manufacture an additional device or devices of that same type, the device will no

longer be considered a "one-of-a-kind." This also applies to a device that has been determined to be a "one-of-a-kind" device by a weights and measures jurisdiction in one state and the manufacturer decides to manufacture and install another device of that same type in another state. In this case, the manufacturer of the device must request an NTEP evaluation on the device through the normal application process unless NTEP has already deemed that such evaluation will not be conducted.

(Amended 1998)

2.7. Participating Laboratory. – Any State Measurement Laboratory or State Weights and Measures Agency or other laboratory that has been authorized to conduct a type evaluation under the NTEP.

(Amended 2001)

2.8. Person. – The term "person" means both singular and plural, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

2.9. Remanufactured Device. – A device that is disassembled, checked for wear, parts replaced or fixed, reassembled, and made to operate like a new device of the same type.

(Amended 2001)

2.10. Remanufactured Element. – An element that is disassembled, checked for wear, parts replaced or fixed, reassembled, and made to operate like a new element of the same type.

(Added 2001)

2.11. Repaired Device. – A device on which work is performed that brings the device back into proper operating condition.

(Amended 2001)

2.12. Repaired Element. – An element on which work is performed that brings the element back into proper operating condition.

(Added 2001)

2.13. Type. – A model or models of a particular device, measurement system, instrument, or element that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the CC.

2.14. Type Evaluation. – The testing, examination, and/or evaluation of a type by a Participating Laboratory under the NTEP.

2.15. Commercial and Law Enforcement Equipment.

(a) Weighing and measuring equipment commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

(b) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device.

(c) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies. [***NOTE 2***, page 162]

NOTE 2: *The section is identical to G-A.1. Commercial and Law Enforcement Equipment, Section 1.10. General Code, National Institute of Standards and Technology Handbook 44 for definition of "commercial" and "law enforcement equipment."*

Section 3. Certificate of Conformance (CC)

The Director shall require a device to be traceable to an active Certificate of Conformance (CC) prior to its installation or use for commercial or law enforcement purposes. If the device consists of separate and compatible main elements, each main element shall be traceable to a CC. A device is traceable to a CC if:

(a) it is of the same type identified on the Certificate; and

(b) it was manufactured during the period that the Certificate was maintained in active status.

(Amended 2001 and 2004)

Section 4. Prohibited Acts and Exemptions

(a) Except for a device exempted by this section, no person shall sell a device unless it is traceable to an active CC.

(Amended 2001)

(b) Except for a device exempted by this section, no person shall use a device unless it is traceable to an active CC.

(Amended 2001)

(c) A device in service in this State prior to _____, ____, (date) that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 shall not be required to be traceable to an active CC.

(Amended 2001)

(d) A device in service in this State prior to _____, ____, (date) removed from service by the owner or on which the department has issued a removal order after _____, ____, (date) and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device shall not be required to be traceable to an active CC.

(Amended 2001)

(e) A device in service in this State prior to _____, ____, (date) which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 and shall not be required to be traceable to an active CC.

(Amended 2001)

(f) A device in service in this State prior to _____, ____, (date) that is still in use may be installed at another location in this state provided the device meets requirements in effect as of the date of installation in the new location; however, the device shall not be required to be traceable to an active CC.

(Amended 2001)

(g) A device in service in another State prior to _____, ____, (date) may be installed in this State; however, the device shall meet the specifications, tolerances, and technical requirements for weighing and measuring devices in National Institute of Standards and Technology Handbook 44 and be traceable to an active CC.

(Amended 2001)

(h) **One-of-a-kind Device.** – The Director may accept the design of a one-of-a-kind device without an NTEP evaluation pending inspection and performance testing to satisfy that the device complies with Handbook 44 and is capable of performing within the Handbook 44 requirements for a reasonable period of time under normal conditions of use. Indicators and load cells in all “one-of-a-kind” scale installations

must have an active NTEP CC as evidence that the system meets the influence factor requirements of Handbook 44.

(Amended 1998 and 2001)

(i) **Repaired Device. –** If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the active CC.

(Amended 2001)

(j) **Remanufactured Device. –** If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to an active CC.

(Amended 2001)

(k) **Copy of a Device. –** The manufacturer who copies the design of a device that is traceable to an active CC, but which is made by another company, must obtain a separate CC for the device. The CC for the original device shall not apply to the copy.

(l) **Device Components. –** If a person buys a load cell(s) and an indicating element that are traceable to CCs and then manufactures a device from the parts, that person shall obtain an active CC for the device.

(Amended 2001)

Section 5. Participating Laboratory and Agreements

The Director is authorized to:

(a) Operate a Participating Laboratory as part of the NTEP. In this regard, the Director is authorized to charge and collect fees for type evaluation services.

(b) Cooperate with and enter into agreements with any person in order to carry out the purposes of the act.

Section 6. Revocation of Conflicting Regulations

All provisions of all orders and regulations before issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, are hereby revoked.

(Amended 2001)

Section 7. Effective Date

This regulation shall become effective on _____.

(Amended 2001)