

I. Introduction

A. Source

The Uniform Laws and Regulations¹ in this handbook comprise all of those adopted by the National Conference on Weights and Measures, Inc. (NCWM)².

The NCWM Committee on Laws and Regulations (the Committee), acting at the request of the Conference or upon its own initiative, prepares with the technical assistance of the National Institute of Standards and Technology (NIST), proposed amendments or additions to the material adopted by the Conference (see Paragraph C). Such revisions, amendments or additions are then presented to the Conference as a whole where they are discussed by weights and measures officials and representatives of interested manufacturers, industries, consumer groups, and others. Eventually the proposals of the Committee, which may have been amended on the floor, are voted upon by the weights and measures officials. Following the voting procedures adopted by the NCWM in 1978, a national consensus is required on all items adopted by the Conference. A Uniform Law or Regulation is adopted when a majority of the states' representatives, and other voting delegates favoring such adoption, vote for approval.

All of the Uniform Laws and Regulations given herein are recommended by the NCWM for adoption by states when reviewing or amending their official laws and regulations in the areas covered. A similar recommendation is made with regard to the local jurisdictions within a state in the absence of the promulgation of such laws and regulations at the state level.

B. Purpose

The purpose of these Uniform Laws and Regulations is to achieve, to the maximum extent possible, uniformity in weights and measures laws and regulations among the various states and local jurisdictions in order to facilitate trade between the states, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in commercial weights and measures practices.

C. Amendments

The Committee on Laws and Regulations of the NCWM provides a mechanism for consideration of amendments or additions to the Uniform Laws and Regulations. The following procedures are based on NCWM Publication 3, "Policy, Interpretations, and Guidelines" (see Section 1. NCWM Management, Subsection 1 Organization and Committees) that were amended at the 83rd NCWM Annual Meeting in 1998.

D. Submission of Agenda Items – Preamble

The Constitution of the NCWM requires that its officers and Committees observe the principles of due process for the protection of the rights and interests of affected parties. Specifically, it requires that the Committees and Officers (a) give reasonable advance notice of contemplated studies, items to be considered for action, and tentative or definite recommendations for conference vote, and (b) provide that all interested parties have an opportunity to be heard.

E. Submission Process

Anyone introducing an item to the Committee must use the regional weights and measures associations initially to consider its merits. Using the regional associations ensures discussion and evaluation of items at the grassroots level

¹ When referring to the Uniform Laws and Regulations in Handbook 130, Laws and Regulations will be capitalized. When referring to general federal or state laws and regulations, no capitalization will be used.

² The NCWM is supported by NIST, which provides its Executive Secretary and publishes its documents. NIST also develops technical publications for use by weights and measures agencies; these publications may subsequently be endorsed or adopted by the NCWM.

by involving the regional members in the development, evaluation, and justification of proposals. The regions include the Central, Northeastern, Southern, and Western Weights and Measures Associations. For information on the regional associations or to submit a proposal to a regional association, complete Form 15 (Proposal to Change NIST Handbooks 44, 130 or 133) electronically at <http://www.ncwm.net/about/>, and select “Submit Proposal,” or mail to:

NCWM
15245 Shady Grove Road
Suite 130
Rockville, MD 20850
Attention: Executive Director
Telephone: (240) 632-9454
Email: ncwm@mgmtsol.com
<http://www.ncwm.net>

Note: The proposal should be submitted two weeks prior to the fall regional association meeting. The Western and Central meetings are held in September. The Southern and Northeastern meetings are held in October. For regional meeting dates, go to <http://www.ncwm.net>.

F. Procedures

The Committee will consider items according to the following procedures:

1. All items to be considered by the Committee for action at the upcoming Interim Meeting must be submitted in writing to the Committee by November 1. Although use of NCWM Form 15 (see page 8) is not required, it is recommended for use in submitting proposals to the NCWM. Proposals from the regional standing committees shall be mailed to the Committee at:

NIST Weights and Measures Division
100 Bureau Drive - Stop 2600
Gaithersburg, Maryland 20899-2600
Attention: NCWM Laws and Regulations Committee

2. A copy of the proposal must be sent to the NCWM’s Executive Secretary at the same address, or by e-mail to owm@nist.gov.

G. Criteria for Inclusion in the Committee’s Agenda

1. Any item approved by at least one regional association and received by the November 1 deadline will be automatically placed on the Committee’s Interim Meeting Agenda.
2. Items that have not been approved by a regional association, but which are received by November 1, will be evaluated by the Committee using the criteria in Section H, Exceptions to Policy, and Section I, Committee Agenda.
3. Any proposal received after the November 1 deadline, but prior to the Interim Meeting, will be evaluated by the Committee according to Section H, Exceptions to Policy and Section I, Committee Agenda. Only those items determined to be a national “priority” will be included on its agenda.
4. Proposals must be in writing and must include:
 - a. a concise statement of the item or problem outlining the purpose and national need for its consideration. When possible, an electronic copy of the background material and proposed amendment(s) should be submitted in a PC-compatible word processing document (e.g., Microsoft Word) on a high density 8.9 cm (3.5 in) disk or CD Rom, or by electronic mail sent to owm@nist.gov;

- b. background material, including test data, analysis of test data, or other appropriately researched and documented material for the Committee to evaluate when deciding its position or future activity on the proposal;
- c. proposed solutions to problems stated in specific language and in amendment form as changes to Conference documents; and
- d. if a proposal involves a new area of weights and measures activity, practical, realistic, and specific recommendations for laws or regulations to be adopted and test methods to be utilized to provide for proper enforcement.

When proposals are to modify or add requirements to existing publications, such as Handbook 130 or Handbook 133, the proposal should:

- 1) identify the pertinent portion, section, and paragraph of the existing publication that would be changed (e.g., Uniform Method of Sale of Commodities Regulation, Section 8.2, paragraph (b));
- 2) provide evidence of consistency with other NCWM publications such as with other uniform laws and regulations;
- 3) provide evidence of consistency with federal laws and regulations (e.g., USDA or FTC regulations); and
- 4) relay the positions of businesses, industries, or trade associations affected by the proposal including supporting and opposing points of view.

H. Exceptions to Policy for Submission of Items to the Committee Agenda; Submission of “Priority” Items

The Committee will use the following criteria to evaluate items that have not been approved by a regional association, but have been received by the November 1 deadline. If an item is received after the November 1 deadline, it will be included on the agenda if the Committee determines that it is a national “priority.”

Criteria for Inclusion on the Committee’s Agenda When No Regional Association Has Approved the Item.

- 1. Items must have significant legal impact on weights and measures laws and/or regulations involving:
 - a. court cases/attorney general opinions; or
 - b. preemption by federal statute or regulation; or
 - c. conflicts with international standards; or
 - d. items which could affect health and safety.
- 2. The Committee may contact parties that are potentially affected by an item (e.g., trade associations, industry, and consumer groups) for comments. The Committee may consider these comments and any other information in determining if the item should be included on its agenda.
- 3. When the Committee determines that it should consider an item as a “priority” (using the criteria in 1.), the item will be handled in the following manner:
 - a. A “priority” item received prior to the Interim Meeting may be added to the Interim Meeting agenda by a majority vote of the Committee.
 - b. A “priority” item received after the Interim Meeting may be added to the Committee’s Annual Meeting agenda as:

- 1) a discussion item by a majority vote of the Committee, or
- 2) as a voting item by a majority vote of the Committee and the NCWM Board of Directors.

I. Committee Agenda

1. The Committee will review items that have been submitted and selected by a majority vote to be included on its agenda. The Committee will only include those items that have been:
 - a. approved by at least one of the regional associations; or
 - b. forwarded by other committees, subcommittees, NTETC Sectors, task forces, or work groups, or those items that meet the criteria in Section H, Exceptions to Policy.
2. The Committee will publish an agenda that identifies the items to be discussed during the Interim Meeting. This agenda will be distributed to members approximately 30 days prior to the meeting. The agenda will be provided upon request to all other interested parties. (NCWM, Publication 15, Interim Meeting Agenda.) (Amended 1998)

J. Interim Meeting

1. The Committee shall hold public hearings at the Interim Meeting for the purpose of discussing and taking comments on all agenda items.
2. Upon request, the Committee will provide the opportunity for presentations by government officials, industry representatives, consumer groups, or other interested parties during the Interim Meeting. Requests to make presentations must be received by the Committee Chairman or Technical Advisor at least two weeks prior to the start of the meetings.

K. Interim Meeting Report

1. Items under consideration by the Committee, and about which the Committee offers comments or recommendations to the Conference to act upon during the Annual Meeting, will be included in the Committee's Interim Report published in the Annual Meeting Program and Committee Reports. (NCWM Publication 16, Interim Report.)
2. The Annual Meeting Program and Committee Reports will be prepared and distributed to Conference members approximately 3 months prior to the NCWM Annual Meeting.

L. Classifications for Agenda Items

At the Interim Meeting, the Committee can classify proposals in one of three ways:

1. as "Voting" to be voted on by the NCWM membership (indicated with a "V" after the item number in the agenda);
2. as "Informational" to be further studied and developed by the Committee (indicated with an "I" after the item number in the agenda);
3. as "Withdrawn" to be no longer considered by the Committee (indicated with a "W" after the item number in the agenda).

M. Developing Items

In the past the Committee had either carried undeveloped proposals forward as informational, or withdrawn them. Conference members felt that carrying undeveloped informational items on its agenda for years posed an unnecessary drain on NCWM resources. Alternatively, the Conference was also concerned that withdrawing items prematurely resulted in the Committee discarding valuable work that had gone into identifying and presenting the items. The NCWM was also interested in providing a mechanism to inform parties about items that were developing in different localities or in the regional associations.

At the 1998 Annual Meeting, the NCWM established a process for disseminating information on items that may have merit but are insufficiently developed for Committee action. The NCWM established a new “Developing” designation to allow the Committee to notify the submitter that while this item may have merit, it has not been adequately developed for action at the national level. The NCWM agreed that developing items should be submitted by the regional associations with a recommendation that they be presented as “D” items on the national agenda.

The Committee will present “D” items in list format at the end of its report and include a point of contact (including the name and telephone number of the submitter) so that interested parties can obtain additional information. No comments will be taken on a developing item unless the Committee agrees to receive the new information in advance of the hearing. In these cases, the Chairman will announce in advance that an item will be discussed in the session. The use of this “D” designator is seen as an item management tool, as well as a way to keep the membership informed of emerging items.

N. Comments on Interim Reports

1. Weights and measures officials, industry representatives, and all others are encouraged to submit written comments on items in the Committee’s Interim Report.
2. All comments on the Interim Meeting Report must be submitted to the Committee with a copy to the Executive Secretary no later than 1 month preceding the opening of the Annual Meeting.

O. Annual Meeting

1. The Committee will hold a public hearing at the Annual Meeting to discuss items on its agenda.
2. Those who want to speak on an item during the public hearing should request time from the Committee Chairperson. The Committee Chairperson may impose time limits on presentations, the discussion of a question, or the discussion of a proposed amendment.

P. Final Committee Reports and Conference Action

1. Following the public hearings, the Committee will prepare its final report for action by the voting membership of the Conference. Copies of the final report will be provided to the membership prior to the session during which it will be voted on.
2. The Chairman of the Committee will present the final report of the Committee to the Conference body. A vote will be taken on items, proposals, or sections in the report as circumstances require. The Conference will vote on the entire final report as presented in accordance with established Conference voting procedures. Parliamentary procedures according to Robert’s Rules of Order, as amended by NCWM Publication No. 1, Bylaws, must be adhered to in the presentation of, and any action on, a Standing Committee report.
(Amended 1998)

Q. Revisions to the Handbook

NIST may not publish a new edition if it determines that it is reasonable to forego an annual publication (e.g., amendments were minor or editorial in nature) to save printing, mailing a other costs. If this occurs, NIST will issue a

notice that the current edition is still valid and will explain its action. (Note: Section numbering may be changed from one edition of the Handbook to another to accommodate additions or deletions.)

R. Annotation

Beginning in 1971, amendments or additions to sections in the Uniform Laws and Regulations are delineated at the end of each section (e.g., "amended 1982") as a service to those states that are planning to update their own laws or regulations. The references to each revision and the year will enable legislators and rule makers to study the actual wording and rationale for changes (appearing in the Annual Report of the NCWM for that year) and subsequently adopt changes in their own laws and regulations, modeling them after the Uniform Laws and Regulations.

S. Effective Enforcement Dates of Regulations

Unless otherwise specified, the new or amended regulations listed in this section are intended to become effective and subject to enforcement on January 1 of the year following adoption by the NCWM.

1. Uniform Packaging and Labeling Regulation
2. Uniform Regulation for the Method of Sale of Commodities
3. Uniform Unit Pricing Regulation
4. Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices
5. Uniform Open Dating Regulation
6. Uniform Regulation for National Type Evaluation
7. Uniform Regulation for Engine Fuels, Petroleum Products, and Automotive Lubricants

(Added 1992)

T. Section References

In most references made to specific sections or subsections in this handbook, the word "Section" is used, followed by the section number.

U. The International System of Units

The "International System of Units," "SI," or "SI Units" means the modernized metric system as established in 1960 by the General Conference on Weights and Measures (GIPM). In 1988, Congress amended the Metric Conversion Act of 1975 (see Section 5164 of Public Law 100-418) to declare that it is the policy of the United States to designate the metric system of measurement as the preferred measurement system for U.S. trade and commerce, and it further defined "the metric system of measurement" to be the International System as established by the GIPM and as interpreted or modified for the United States by the Secretary of Commerce. [See Metric Conversion Act of 1975 (Public Law 94 - 168, Section 3 (1) and Section 4 (4)); NIST Special Publication 330 - The International System of Units (SI); NIST Special Publication 814 - Metric System of Measurement; and, Interpretation of the International System of Units for the United States in Federal Register of July 28, 1998, (FR Vol. 63, No. 144) or subsequent revisions.] In 1992, Congress amended the Federal Fair Packaging and Labeling Act to require certain consumer commodities to include the appropriate SI units along with the customary inch-pound units in their quantity statements.

(Added 1993)

V. "Mass" and "Weight." [NOTE 1, page 7]

The mass of an object is a measure of the object's inertial property, or the amount of matter it contains. The weight of an object is a measure of the force exerted on the object by gravity, or the force needed to support it. The pull of gravity on the earth gives an object a downward acceleration of about 9.8 m/s². In trade and commerce and everyday use, the term "weight" is often used as a synonym for "mass." The "net mass" or "net weight" declared on a label indicates that the package contains a specific amount of commodity exclusive of wrapping materials. The use of the term "mass" is predominant throughout the world, and is becoming increasingly common in the United States.

(Added 1993)

W. Use of the Terms "Mass" and "Weight." [NOTE 1, page 7]

When used in this handbook, the term "weight" means "mass." The term "weight" appears when inch-pound units are cited, or when both inch-pound and SI units are included in a requirement. The terms "mass" or "masses" are used when only SI units are cited in a requirement. The following note appears where the term "weight" is first used in a law or regulation.

NOTE 1: When used in this law (or regulation), the term "weight" means "mass." (See paragraph V. and W. in Section I., Introduction, of NIST Handbook 130 for an explanation of these terms.)

(Added 1993)

NCWM Form 15
Proposal to Change NIST Handbook 44, 130 or 133

Date:	Regional Association (s) you wish to consider this proposal:
Name/Address of Contact Person	Regional Actions: (for use by regional standing committee-votes for and against)
Phone:	Fax:
Email:	
Please attach any background information, test data, research or additional documentation that will help the Committee consider the proposal.	
Proposal: (Proposed solutions to problems stated in specific language in amendment form to handbooks, if a proposal involves a new area of weights and measures activity, include recommendations for both regulations and test methods for proper enforcement must be provided.) Identify the pertinent portion, section and paragraph that would be changed (e.g., Section 1.10 General Code, paragraph G-A.1 Commercial and Law-Enforcement Equipment).	
Problem/Justification: (Include a concise statement of the item or problem outlining the purpose and national need for its consideration.)	
Other Contacts: (Provide position statements, comments, etc. from names and addresses of individuals, firms, manufacturers, and/or trade associations included in developing the proposal.)	
Other Reasons For: (If none, please indicate none have emerged.)	
Other Reasons Against:	
Additional Considerations: (Provide cost estimates and state the anticipated benefits for all parties or indicate how the proposal may affect other requirements, programs, etc.)	
Attachments: (List the accompanying documents, data, studies, etc.)	Suggested Action: (Be specific on what actions the committee should take on the item.) Recommend NCWM <input type="checkbox"/> Adopt <input type="checkbox"/> Withdraw <input type="checkbox"/> Developing Item <input type="checkbox"/> Informational Item <input type="checkbox"/> Other (Please describe)
Send submissions for Regional Associations to: National Conference on Weights & Measures 15245 Shady Grove Road Suite 130 Rockville, MD 20850 Attention: Executive Director, ncwm@mgmtsol.com	Regional Standing Committees and Sectors submit form to: National Institute of Standards & Technology Weights & Measures Division 100 Bureau Drive, Stop 2600 Gaithersburg, Maryland 20899-2600 Attention: _____ Committee cc: Attention: Executive Secretary, owm@nist.gov