

CHAPTER 47B

**SCALES, INSTRUMENTS AND DEVICES;
WEIGHTS AND MEASURES**

Authority

N.J.S.A. 51:1-61.

Source and Effective Date

R.2009 d.263, effective July 23, 2009.
See: 41 N.J.R. 1671(a), 41 N.J.R. 3095(a).

Chapter Expiration Date

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, expires on July 23, 2014.

Chapter Historical Note

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was originally codified in Title 13 as Chapter 62, Scales, Instruments and Devices; Weights and Measures. Chapter 62 was filed and became effective prior to September 1, 1969.

Chapter 62, Scales, Instruments and Devices; Weights and Measures, was recodified as N.J.A.C. 13:47B, effective June 15, 1975.

Subchapter 2, Farm Milk Tanks, was repealed by R.1978 d.56, effective February 21, 1978. See: 9 N.J.R. 588(a), 10 N.J.R. 121(c).

Pursuant to Executive Order No. 66(1978), Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was readopted as R.1984 d.6, effective January 4, 1984. See: 15 N.J.R. 1925(a), 16 N.J.R. 249(a). Pursuant to Executive Order No. 66(1978), Chapter 47B expired on January 4, 1989.

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was adopted as new rules by R.1989 d.112, effective February 21, 1989. See: 20 N.J.R. 2856(a), 21 N.J.R. 446(b).

Pursuant to Executive Order No. 66(1978), Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was readopted as R.1994 d.124, effective February 10, 1994. See: 25 N.J.R. 5102(a), 26 N.J.R. 1235(a).

Pursuant to Executive Order No. 66(1978), Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was readopted as R.1999 d.82, effective February 10, 1999. See: 31 N.J.R. 27(b), 31 N.J.R. 770(a).

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was readopted as R.2004 d.216, effective May 14, 2004. See: 36 N.J.R. 914(a), 36 N.J.R. 2788(a).

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, was readopted as R.2009 d.263, effective July 23, 2009. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL WEIGHING AND MEASURING DEVICES

- 13:47B-1.1 Liquid measuring devices
- 13:47B-1.2 Length measuring devices
- 13:47B-1.3 through 13:47B-1.4 (Reserved)
- 13:47B-1.5 Type approval
- 13:47B-1.6 Location of commercial weighing equipment
- 13:47B-1.7 through 13:47B-1.8 (Reserved)
- 13:47B-1.9 Portable self-contained vehicle scales
- 13:47B-1.10 Household scales

- 13:47B-1.11 through 13:47B-1.13 (Reserved)
- 13:47B-1.14 Uncompensated spring scales
- 13:47B-1.15 (Reserved)
- 13:47B-1.16 Inspection certificates
- 13:47B-1.17 Hanging scales
- 13:47B-1.18 (Reserved)
- 13:47B-1.19 Alteration gasoline dispensers
- 13:47B-1.20 National Institute of Standards and Technology Handbook 44
- 13:47B-1.21 through 13:47B-1.23 (Reserved)
- 13:47B-1.24 Registry for security sealing devices

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. PENALTIES

- 13:47B-3.1 Penalties

SUBCHAPTER 4. GENERAL PROVISIONS

- 13:47B-4.1 Minimum training requirements; weights and measures officer

SUBCHAPTER 1. GENERAL WEIGHING AND MEASURING DEVICES

13:47B-1.1 Liquid measuring devices

(a) Dealers using gasoline pumps and other automatic liquid measuring devices for the sale of gasoline and similar liquid fuels shall obtain a proper standard measure in a capacity of five gallons, for the purpose of making tests to ascertain whether the device is delivering the correct quantity.

(b) Tests must be made before the next sale of gasoline and similar liquid fuels if the liquid measuring system loses its prime or malfunctions.

Administrative Correction.

See: 14 N.J.R. 1315(b).
Amended by R.1994 d.124, effective March 7, 1994.
See: 25 N.J.R. 5102(a), 26 N.J.R. 1235(a).
Public Notice: Notice of Petition to amend section.
See: 27 N.J.R. 2977(c).
Amended by R.1997 d.182, effective April 21, 1997.
See: 28 N.J.R. 5143(a), 29 N.J.R. 1512(a).

In (b), substituted "next sale of gasoline . . . or malfunctions" for "first sale each day, and also prior to using a new supply of liquid".

13:47B-1.2 Length measuring devices

The use of counter tacks as linear measures is forbidden in the State of New Jersey and all measures of length shall be in conformance with the requirements set forth in the National Institute of Standards and Technology Handbook 44, Specifications, tolerances and other technical requirements for weighing and measuring devices.

Amended by R.1994 d.124, effective March 7, 1994.
See: 25 N.J.R. 5102(a), 26 N.J.R. 1235(a).
Amended by R.2009 d.263, effective August 17, 2009.
See: 41 N.J.R. 1671(a), 41 N.J.R. 3095(a).
Substituted "the State of New Jersey" for "this State".

13:47B-1.3 (Reserved)

Repealed by R.1978 d.56, effective February 21, 1978.
See: 9 N.J.R. 588(a), 10 N.J.R. 121(c).
Section was "Lubricating oil bottles".

13:47B-1.4 (Reserved)

Amended by R.1984 d.6, effective February 6, 1984.
See: 15 N.J.R. 1925(a), 16 N.J.R. 249(a).
Clarifies language and provides for metric sizes for liquid measure containers.
Repealed by R.2009 d.263, effective August 17, 2009.
See: 41 N.J.R. 1671(a), 41 N.J.R. 3095(a).
Section was "Liquid measure containers".

13:47B-1.5 Type approval

(a) All new types of weighing and measuring devices of any description whatsoever and all devices of older types to which may be added any alteration or new feature intended or designed as an improvement to such equipment shall, before distribution or installation thereof in the State of New Jersey, be submitted by the manufacturer thereof to the State Superintendent of Weights and Measures for inspection and approval of type and operation, except as provided in (a)1 below.

1. Weighing and measuring devices approved by the National Institute of Standards and Technology (NIST), National Type Evaluation Program (NTEP) need not be submitted for prior inspection and approval of type and operation; however, the State Superintendent of Weights and Measures reserves the right to require the manufacturer to submit a prototype for evaluation at any time for cause.

(b) The provisions of this section shall be construed to include and apply to all weighing and measuring equipment designed for the determination of quantities in commodities sold or offered for sale in the State of New Jersey, or for the determination of quantities where service is sold or offered for sale on the basis of weight or measurement.

(c) No weighing or measuring device as indicated shall be permitted to be sold or leased for use in the State of New Jersey unless submitted for inspection and approved by the State Superintendent of Weights and Measures as specified in (a) above and any equipment distributed or installed contrary to the provisions of this section shall be subject to condemnation.

Amended by R.1994 d.124, effective March 7, 1994.
See: 25 N.J.R. 5102(a), 26 N.J.R. 1235(a).
Amended by R.1995 d.140, effective March 6, 1995.
See: 26 N.J.R. 4966(a), 27 N.J.R. 929(a).
Amended by R.1999 d.82, effective March 15, 1999.
See: 31 N.J.R. 27(b), 31 N.J.R. 770(a).

In (a), substituted "or" for "of" following "alteration", deleted "(Trenton) Avenel, New Jersey" following "Measures" and added "except as provided in (a)1 below" at the end of the introductory paragraph, and added 1.

Amended by R.2004 d.216, effective June 7, 2004.
See: 35 N.J.R. 914(a), 36 N.J.R. 2788(a).

In (a)1, substituted "Weighing and measuring devices" for "Scales having a maximum capacity of 100 pounds or less and".

Amended by R.2009 d.263, effective August 17, 2009.
See: 41 N.J.R. 1671(a), 41 N.J.R. 3095(a).

In (a)1, inserted "State" and "of Weights and Measures"; in (b), substituted "section" for "Section" and "the State of New Jersey" for "this State"; and in (c), substituted "the" for "said" preceding "State Superintendent".

13:47B-1.6 Location of commercial weighing equipment

(a) All weighing equipment of every kind whatsoever, used for quantity determination in the sale of commodities to the purchasing public, in commercial establishments or in connection with any commercial enterprise in the State of New Jersey shall be so placed or located as to be in full view of the customer at all times and in such position as to facilitate the reading of charts, dials and similar equipment with which scales may be equipped or for observing the balance where scales are of such type in which balance is a factor for correct weighings.

(b) The purpose of this section is to eliminate the locating of scales on back counters in commercial establishments, where the results of weighings may not be easily read or determined, or in position where the movements of the person operating the scale or performing the weighing may not be readily observed.

Amended by R.2009 d.263, effective August 17, 2009.
See: 41 N.J.R. 1671(a), 41 N.J.R. 3095(a).

In (a), substituted "whatsoever," for "whatever" and "for" for "or" preceding "correct", and deleted the commas following "dials" and "equipped".

13:47B-1.7 (Reserved)

Repealed by R.1978 d.56, effective February 21, 1978.
See: 9 N.J.R. 588(a), 10 N.J.R. 121(c).
Section was "Liquid measuring devices".

13:47B-1.8 (Reserved)

Repealed, R.1984 d.6, effective February 6, 1984.
See: 15 N.J.R. 1925(a), 16 N.J.R. 249(a).
Section was "Obsolete gasoline pumps."

13:47B-1.9 Portable self-contained vehicle scales

(a) For purposes of this section, a "portable self-contained vehicle scale" is defined as a portable self-contained scale enclosed and supported by its own frame marketed as a complete weighing unit adapted to weighing highway and off-highway vehicles. The indicating element may be packaged separately, which element is attached and connected at the installation site.

(b) Except as hereinafter provided, the use of a portable self-contained vehicle scale is hereby prohibited for determinations of weight for all commercial purposes.

(c) The use of portable self-contained vehicle scales may be permitted on construction projects where a contract requires on-site weighings, and where the weighings are performed by a New Jersey Weighmaster appointed pursuant to N.J.S.A. 51:1-74, subject to all of the following requirements: