

CHAPTER 47F**FEES FOR THE REGISTRATION, INSPECTION AND TESTING OF WEIGHING AND MEASURING DEVICES****Authority**

N.J.S.A. 51:1-54.2, 54.3, 54.4, 61 and 129.

Source and Effective Date

R.2005 d.310, effective August 16, 2005.
See: 37 N.J.R. 957(a), 37 N.J.R. 3716(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 47F, Fees for the Registration, Inspection and Testing of Weighing and Measuring Devices, expires on February 12, 2011. See: 42 N.J.R. 1847(a).

Chapter Historical Note

Chapter 47F, Poultry Dealers; Weights and Measures, was filed and became effective prior to September 1, 1969.

Chapter 47F, Poultry Dealers; Weights and Measures, was repealed by R.1980 d. 520, effective December 3, 1980. See: 12 N.J.R. 608(b), 13 N.J.R. 41(b).

Chapter 47F, Fees for the Registration, Inspection and Testing of Weighing and Measuring Devices, was adopted as new rules by R.1995 d.140, effective March 6, 1995. See: 26 N.J.R. 4966(a), 27 N.J.R. 929(a).

Pursuant to Executive Order No. 66(1978), Chapter 47F, Fees for the Registration, Inspection and Testing of Weighing and Measuring Devices, was readopted as R.2000 d.140, effective March 3, 2000. See: 32 N.J.R. 254(a), 32 N.J.R. 1243(a).

Chapter 47F, Fees for the Registration, Inspection and Testing of Weighing and Measuring Devices, was readopted as R.2005 d.310, effective August 16, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL**13:47F-1.1 Purpose and scope**

(a) These rules implement the provisions of P.L.1994, c. 60, §§ 6 through 13, entitled "An Act establishing and increasing certain fees imposed by and on behalf of the State and providing for the use of certain fees, amending and supplementing various parts of the statutory law" (the "Act").

(b) These rules shall apply to:

1. Any person who operates or uses for commercial purposes a weight and measure, as defined in N.J.S.A. 51:1-2, located within the State;

2. Any person who sells, trades in, receives or engages in the repair of condemned, rebuilt or used weights and measures, pursuant to the provisions of N.J.S.A. 51:1-113 et seq.; and

3. Any person who requests a weight and measure not used for commercial purposes be compared with the standards of weights and measures in the custody of the State Superintendent of Weights and Measures.

13:47F-1.2 Definitions

For the purposes of this chapter, all definitions and terms describing weights and measures contained in N.J.S.A. 51:1-1 et seq. and in the National Institute of Standards and Technology Handbook 44, as adopted pursuant to N.J.A.C. 13:47B-1.20, are incorporated herein by reference. In addition, the following words and terms shall have the following meanings:

"Act" means P.L.1994, c. 60.

"Applicant" means a person who is an owner or user of a weight and measure.

"Commercial location" means the premises where weights and measures are installed or employed in the purchase or sale of commodities.

"Commercial purposes" means the purchase or sale of commodities.

"Fuel pump dispenser" means a device used for the measurement and sale of liquid fuels including, but not limited to, gasoline, diesel and kerosene, but not including liquefied petroleum gas and compressed natural gas.

"Length measure" means a device which automatically indicates (with or without value-computing capabilities) the length of commodities passing through the measuring elements.

"Natural gas meter" means a meter which is installed to measure compressed natural gas.

"Person" shall include any natural person or his or her legal representative, partnership, corporation, trust, business entity or association and any agent, employee, partner, office or director thereof.

"Pharmacy weight kits" means the set of weights required by N.J.A.C. 13:39-7.7.

"Propane meter" means a meter which is mounted on a liquefied petroleum gas delivery vehicle or installed at a fixed location to measure liquefied petroleum gas.

“Rack meter” means a meter used to load bulk delivery vehicles as in those primarily installed at wholesale petroleum terminals.

“Retail vehicle tank meter” means a meter mounted on a tank truck and used to deliver liquid fuel including, but not limited to, gasoline, diesel and kerosene with a maximum flow rate of 100 gallons per minute, but does not include meters used to sell or sell and deliver liquefied petroleum gas or compressed natural gas.

“State Superintendent” means the State Superintendent of the Office of Weights and Measures.

“Used in trade” means used for commercial purposes.

“Weights and measures” means a device, apparatus, or instrument designed or used to weigh, measure, count or time any physical property or determine value, and any auxiliary apparatus and accessories that indicate quantity or value, or records representative thereof.

“Wholesale vehicle tank meter” means a meter mounted on a tank truck and used to deliver liquid fuels including, but not limited to, gasoline, diesel and kerosene with a maximum flow rate of more than 100 gallons per minute, but does not include meters used to sell or sell and deliver liquefied petroleum gas or compressed natural gas.

Amended by R.2000 d.140, effective April 3, 2000.

See: 32 N.J.R. 254(a), 32 N.J.R. 1243(a).

Inserted “Weights and measures”.

13:47F-1.3 Registration of weights and measures

(a) No person shall operate or use a weight and measure for commercial purposes within the State of New Jersey unless the weight and measure is registered with the State Superintendent and approved as to type, pursuant to N.J.S.A. 51:1-93, N.J.A.C. 13:47B-1.5, and the provisions of this chapter and the Act.

(b) An applicant for registration of a weight or measure shall submit an application on a form provided by the State Superintendent and shall pay the fee as set forth in N.J.A.C. 13:47F-1.7. The application form will request information including the legal name of the business, trade name and address and information about the type(s) of device(s), manufacturer’s name, model number, capacity and serial number of the device(s). A late fee as set forth in N.J.A.C. 13:47F-1.7 for each weight and measure shall be incurred by an applicant if the application form and fee are not received by the State Superintendent within 30 days of the applicant’s receipt of the application form.

(c) Upon receipt of a completed application and the fee, the State Superintendent shall issue a Registration Certificate for each weight and measure registered. The Registration Certificate shall expire one year from the date of issuance.

(d) The applicant shall retain the Registration Certificate at the commercial location. If the weight and measure is located on a vehicle used for commercial purposes, the Registration Certificate shall be carried in the vehicle. The Registration Certificate shall be readily available for inspection by any Weights and Measures official.

(e) An applicant shall renew the Registration Certificate for one year by submitting a renewal registration application on a form provided by the State Superintendent and shall pay the appropriate renewal fees as set forth in N.J.A.C. 13:47F-1.7. The renewal application form will request the same information as required by (b) above. A late fee as set forth in N.J.A.C. 13:47F-1.7 for each weight and measure shall be incurred by an applicant if a renewal application and appropriate fees are not received by the State Superintendent within 30 days of the expiration date of the Registration Certificate.

(f) The late fee shall not be deemed an exclusive remedy for failure to register a weight and measure in a timely manner. Any unregistered weight and measure shall be deemed a violation of the Act.

(g) An applicant shall notify the State Superintendent in writing upon the purchase, sale or transfer of a weight and measure to a different commercial location within 10 days of the purchase, sale or transfer. The fee for the addition of a new weight and measure added to an existing registration shall be pro-rated for each quarter of the one year remaining of the renewal date on the initial Registration Certificate.

(h) Any violation of or noncompliance with any of the provisions of this chapter, for which a specific penalty has not been provided in Title 51 of the Revised Statutes, shall subject the violator to a penalty as prescribed by the provisions of N.J.S.A. 51:1-89.

Amended by R.2000 d.140, effective April 3, 2000.

See: 32 N.J.R. 254(a), 32 N.J.R. 1243(a).

In (a), substituted “and approved as to type, pursuant to N.J.S.A. 51:1-93, N.J.A.C. 13:47B-1.5, and” for “pursuant to” following “Superintendent”; in (c), deleted references to registration seals throughout; and in (d), rewrote the first sentence.

13:47F-1.4 Testing and sealing of weights and measures

(a) All weights and measures used in trade shall be tested and sealed at least once in each year and shall be issued a Certificate of Inspection and Testing as described in N.J.A.C. 13:47B-1.16. All fees for testing and sealing of registered weights and measures shall be included within the fees for registration.

(b) Any applicant who requests a test of a weight and measure, not used for commercial purposes, tested by a Weights and Measures officer shall complete an application form provided by the State Superintendent and submit the