

CHAPTER 47B

SCALES, INSTRUMENTS AND DEVICES; WEIGHTS AND MEASURES

Authority

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

Source and Effective Date

R.1999 d.82, effective February 10, 1999.
See: 31 N.J.R. 27(b), 31 N.J.R. 770(a).

Executive Order No. 66(1978) Expiration Date

Chapter 47B, Scales, Instruments and Devices; Weights and Measures, expires on February 10, 2004.

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.

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, also, section annotations.

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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 this State 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).

13:47B-1.3 (Reserved)

Amended by R.1978 d.56, eff. February 21, 1978.

See: 9 N.J.R. 588(a), 10 N.J.R. 121(c).

13:47B-1.4 Liquid measure containers

(a) All containers such as cartons, pails, boxes or similar containers composed of cardboard, paper or other similar materials, of every type and description whatsoever, used in the State of New Jersey for the sale of ice cream, ices or kindred frozen products, or for liquid or semi-liquid commodities customarily sold or offered for sale by liquid measure, shall be of legal standard capacities of one gallon, a multiple of the gallon or a binary submultiple of the gallon; that is, a measure by dividing the gallon by the number two or by a power of the number two; provided, however, that nothing in the Section shall be construed to prevent the use of containers for ice cream exclusively, in five pint or three pint sizes.

(b) Containers of the following standard capacities only may, therefore, be employed: one gallon, $2\frac{1}{2}$ quarts, two quarts, $1\frac{1}{2}$ quarts, one quart, one pint, $\frac{1}{2}$ pint and one gill. All containers shall have conspicuously stamped, printed or indelibly expressed on the outside thereof the capacity in terms of liquid measure only, together with the name and address of the manufacturer.

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.

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. Scales having a maximum capacity of 100 pounds or less and 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 Superintendent 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 this State, 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 said 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.

13:47B-1.6 Location of commercial weighing equipment

(a) All weighing equipment of every kind whatever 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 or 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.

13:47B-1.7 (Reserved)

Amended by R.1978 d.56, effective February 21, 1978.

See: 9 N.J.R. 588(a), 10 N.J.R. 121(c).

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) 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; and subject to the following requirements:

1. No scale may be placed into operation until approved by the State Superintendent in accordance with N.J.S.A. 51:1-83; and