

Chapter 7

Post-Test Tasks

Objectives

In this chapter you will study the Post-Test Tasks of the field examination of vehicle and axle-load scales. These tasks include evaluation of test results followed by official action. After studying this chapter, you should be able to:

1. Evaluate results of inspection and testing.
2. Determine the appropriate action to take, based upon examination findings.
3. Notify the owner of the device of the action to be taken.
3. Describe recordkeeping tasks that must be performed after an official examination.

Evaluation

After a commercial scale is inspected for compliance with specification/usage codes, and tolerance tests are completed, you begin the fourth and final phase of the field examination — the Evaluation phase. The Evaluation phase includes an evaluation of the scale for correctness followed by appropriate action concerning its future use.

In this portion of the examination, you will:

- determine if the scale is correct;
- decide what action is to be taken if the scale is not correct;
- fill out and sign the official report(s) showing examination results and giving a clear indication of any action taken;
- show the report(s) to the manager of the establishment;
- ask the manager to sign the report;
- give copies of all necessary forms to the manager, including the signed examination report, repair and service orders, the proper receipt for any devices you remove from the premises, etc. (these will vary from jurisdiction to jurisdiction);
- place any required official notices or seals on the scale;
- remove rejected devices (if this is the policy of the jurisdiction), and, finally;
- file copies of any forms or reports used during the examination, and add any notes needed for your files.

Determination of Compliance Action

As explained in Chapter 3, a device must be determined to be both accurate and correct to receive official approval. If all items to be checked during the inspection of the scale are in conformance with the specification requirements of Handbook 44, and the device meets all the requirements of the applicable tolerance tests, the device meets the standards of accuracy and correctness. Some violations may be corrected by the owner/user of the scale, such as the scale's not being on zero balance. These are normally allowed to be corrected during the examination, but they must always be noted on the written report.

It is important to review all items in the Inspection section of EPO No. 13 and EPO No. 13-E as well as the application of tolerance tests.

If the scale is accurate and correct, approval of the scale is written on the test report. A copy of the report is given to the establishment. In many jurisdictions an approval notice or seal is placed on the device in some conspicuous location. The seal serves as an assurance that the device is suitable for use in its present location and that it was accurate when tested.

If, during the inspection or test, you determine that the scale is incorrect (it is not accurate or does not meet all applicable requirements), it should be rejected. The report given to the owner or operator should state that the device may not be used in commercial service until all unsatisfactory conditions (listed in the report) have been corrected and the device reexamined. A rejection tag should be attached to the scale.

A rejection usually removes the device from commerce. It cannot then be used commercially until corrections have been made and the device reexamined. Only a weights and measures official may remove the rejection tag and place the device back in commerce (unless that authority is delegated to a repair agency or the device owner by the official). Some jurisdictions may allow an "accurate" device that is "incorrect" to continue to be used while the incorrect item is being corrected. The jurisdiction will normally set a time limit for the device to be made correct. An example could be a scale that weighs within tolerance but has a cracked glass on the display.

When the device is rejected it usually remains under control of weights and measures until it has been reinspected and approved. Normally, a rejected device should be repaired within a period of time specified by the inspector. If the repair is not made within the specified time, you may choose to seize the device or a part of it (such as the indicating element) that would make the device unusable.

Another reason for seizing a rejected device is to use it as evidence in a court case should your jurisdiction decide to take formal action against an owner or operator. In this instance, your jurisdiction may require you to issue a receipt to the device owner.

The Uniform Weights and Measures Law states that the director of weights and measures "shall condemn and may seize the weights and measures found to be incorrect that are not capable of being made correct."

Therefore, if, after rejection, a scale is found to be either impractical or impossible to adjust or repair, it should be condemned. Condemnation might also be appropriate in a case where a device has been seized and has not been claimed by a repair agency within the prescribed time frame.

It should be noted that condemnation is a last resort. When deciding what action to take, keep in mind that your goal is to provide accuracy in the marketplace. You have an equal responsibility to the buyer

and to the seller and should strive to make a decision that will not cause an unnecessary hardship to either party.

Notifying the Owner or Operator

When you have determined an appropriate compliance action, you must notify the scale owner or operator of the disposition of the scale and discuss it with him or her. The owner or operator must understand:

- why the action is being ordered;
- what will happen as a result of the order (temporary or permanent removal from service, physical removal, condemnation, etc.);
- what actions must be taken to bring the equipment into full compliance;
- when required correction must be completed and the date and procedure for re-examination; and
- the consequences of failure to comply with the official order.

You must give the owner or operator a copy of the official examination report that indicates specific items of non-conformance. He or she should sign the report to establish its receipt: this signature does not necessarily indicate acceptance of the findings.

You should make every effort to explain all violations. It is not, however, your responsibility to troubleshoot mechanical or electrical problems or to recommend specific repair procedures, and you should avoid doing so. Nor is it proper to recommend a repairperson or service by name, since this might be misconstrued as an official endorsement. In general, you should not make any repairs or adjustments to the equipment yourself. Some jurisdictions, however, permit their inspectors to make minor corrections and adjustments if there is no service agency nearby or if the owner depends on a single device and would be “out-of-business” during repair of the device.

If the compliance order must be approved by your supervisor or some other official, indicate the recommendation you will be making and explain exactly what will happen if your recommendation is approved. If the owner or operator of the device is entitled to request reconsideration or appeal of a compliance order, you should explain the procedures for doing so.

Remember that your purpose is to ensure that accurate and correct vehicle and axle-load scales are used in the marketplace, not to mete out punishment for violations by administrative means. You must avoid imposing unreasonable or excessive burdens on sellers of products and services, keeping in mind that all costs of compliance actions will ultimately be passed on to the consumer.

Marking the Device

As mentioned above, each scale examined should bear some indication of the date of the examination and the disposition (approval or rejection, etc.). Appropriate markings (stickers, tags, seals, etc.) affixed to the device or in some other conspicuous place provide assurance to customers and protect them from

accidental or intentional use of non-approved measuring equipment. The marking should be performed immediately upon your final determination of a disposition and before you leave the examination site.

Your instructor will show you the various marking devices used by your jurisdiction and tell you where and how each of them should be applied.

Report Forms and Recordkeeping

Your instructor will also show you how to complete the examination report forms that are used by your jurisdiction and will tell you how and when they should be submitted. In addition, other types of documentation or written information may be appropriate. Examples of such additional recordkeeping are logs of telephone calls, conversations, or written correspondence with owners or operators, repairpersons, supervisors, etc. You will also find it useful to keep notes of problems encountered in the field and the compliance history of particular devices or operators.

For a weights and measures official, accurate, systematic, and comprehensive recordkeeping is just as important as the correct use of test equipment, mastery of examination procedures, or knowledge of codes and regulations.

Summary

The last phase of an official field examination begins with an evaluation of inspection and test results, followed by a determination of appropriate compliance action -- approval, rejection, or condemnation of the scale. Once an appropriate disposition has been made, it must be recorded on the official examination report and a copy, signed by the inspector, given to the owner or operator, who must also sign it. The inspector explains the findings and disposition to the owner or operator of the device and the equipment is tagged or sealed to indicate the actions taken. The last step in the examination is to complete all documentation and recordkeeping tasks.