

Uniform Regulation for National Type Evaluation

as adopted by
The National Conference on Weights and Measures*

1. Background

The Uniform Regulation for National Type Evaluation was adopted by the NCWM at the 68th Annual Meeting in 1983 and is a necessary adjunct to recognize and enable participation in the National Type Evaluation Program administered by the National Conference on Weights and Measures. The Regulation specifically authorizes: type evaluation; recognition of a National Conference on Weights and Measures "Certificate of Conformance" of type; the State Measurement Laboratory to operate as a Participating Laboratory, if authorized by the National Institute of Standards and Technology under its program of recognition of State Measurement Laboratories; and, the State to charge fees to those persons who seek type evaluation of weighing and measuring devices.
(Amended 2000)

At the 81st Annual Meeting in 1996, the NCWM adopted major revisions to the Uniform Regulation for National Type Evaluation. These revisions were made to clarify the requirements and incorporate the policies and guidelines adopted by the Executive Committee as published in NCWM Publication 14, Technical Policy, Checklists, and Test Procedures.
(Amended 1997)

2. Intent

It is the intent of this regulation to have all States use the National Type Evaluation Program, as approved by the National Conference on Weights and Measures, as their examining procedure. If a State does not wish to establish a Participating Laboratory, § 2.4. Participating Laboratory and § 4. Participating Laboratory may be deleted.

3. Status of Promulgation

The table beginning on page 8 shows the status of adoption of the Uniform Regulation for National Type Evaluation.

**The National Conference on Weights and Measures is supported by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."*

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Uniform Regulation for National Type Evaluation

Section 1. Application.

This regulation shall apply to ^[Note 1 see page 127] any type of device and/or equipment covered in National Institute of Standards and Technology Handbook 44 for which evaluation procedures have been published in National Conference on Weights and Measures, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures."

NOTE 1: This section can be amended to include a list of devices, or device types to which NTEP evaluation criteria does not apply. Additionally, a State can amend this section to allow it to conduct a type evaluation and issue a "Certificate of Approval." This approach should be limited to occasions where formal NTEP Type Evaluation criteria does not apply, and to new technologies or device applications where the development of criteria is deemed necessary by the director.

Section 2. Definitions

2.1. Certificate of Conformance. -- A document issued by the National Conference on Weights and Measures based on testing by a Participating Laboratory, said document constituting evidence of conformance of a type with the requirements of this document and the NIST Handbooks 44, 105-1, 105-2, or 105-3.
(Amended 2000)

2.2. Device. -- Device means any weighing and measuring device as defined in § 2.12. Commercial and Law Enforcement Equipment.

2.3. Director. -- Means the _____ of the department of _____.

2.4. National Type Evaluation Program. -- A program of cooperation between the National Conference on Weights and Measures, National Institute of Standards and Technology, other Federal agencies, the States, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and National Conference on Weights and Measures, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures."
(Amended 2000)

2.5. One-of-a-Kind Device. -- A (non-NTEP) device designed to meet unique demands for a specific installation and of a specific *design* which is not commercially available elsewhere (one such device per manufacturer). If a device manufactured for sale by a company has been categorized and tested as a "one-of-a-kind" device and the manufacturer then decides to manufacture an additional device or devices of that same type, the device will no longer be considered a "one-of-a-kind." This also applies to a device that has been determined to be a "one-of-a-kind" device by a weights and measures jurisdiction in one State and the manufacturer decides to manufacture and install another device of that same type in another State. In this case, the manufacturer of the device must request an NTEP evaluation on the device through the normal application process, unless NTEP has already deemed that such evaluation will not be conducted. (Amended 1998)

2.6. Participating Laboratory. -- Any State Measurement Laboratory that has been accredited by the National Institute of Standards and Technology in accordance with its program for the Certification of Capability of State Measurement Laboratories, or any State Weights and Measures Agency or other laboratory that has been authorized to conduct a type evaluation under the National Type Evaluation Program.

2.7. Person. -- The term "person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

2.8. Remanufactured Device. -- A device to which an overhaul or replacement of parts has been performed so the device can be installed in a new location.

2.9. Repaired Device. -- The maintenance or replacement of parts for a device to remain or return to service in the same location.

2.10. Type. -- A model or models of a particular device, measurement system, instrument, or element that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.

2.11. Type Evaluation. -- The testing, examination, and/or evaluation of a type by a Participating Laboratory under the National Type Evaluation Program.

2.12. Commercial and Law Enforcement Equipment. -- (a) Weighing and measuring equipment

commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. (b) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device. (c) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies. ^[Note 2, see page 128]

NOTE 2: The section is identical to G-A.1., § 1.10, General Code, National Institute of Standards and Technology Handbook 44 for definition of "commercial" and "law enforcement equipment."

Section 3. Certificate of Conformance

The Director shall require a device to be traceable to a Certificate of Conformance prior to its installation or use for commercial or law enforcement purposes.

Section 4. Certificate of Conformance; Specific Requirements

(1) Except for a device exempted by this section, no person shall sell a device unless it is traceable to a Certificate of Conformance.

(2) Except for a device exempted by subsection (3), (4), or (5) of this section, no person shall use a device unless it is traceable to a Certificate of Conformance.

(3) A device in service prior to _____, 19__, that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 shall not be required to be traceable to a Certificate of Conformance.

(4) A device in service prior to ____, 19__, removed from service by the owner or on which the department has issued a removal order after _____, 19__, and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device shall not be required to be traceable to a Certificate of Conformance.

(5) A device in service prior to ____, 19__, which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 and shall not be required to be traceable to a Certificate of Conformance.

(6) A device in service prior to ____, 19__, that is still in use may be installed at another location in this State provided the device meets requirements in effect as of the date of installation in the new location; however, the device shall not be required to be traceable to a Certificate of Conformance.

(7) A device in service in another State prior to ____, 19__, may be installed in this State; however, the device shall meet the specifications, tolerances, and technical requirements for weighing and measuring devices in National Institute of Standards and Technology Handbook 44, and be traceable to a Certificate of Conformance.

(8) **One-of-a-kind Device.** — The Director may accept the design of a one-of-a-kind device without an NTEP evaluation pending inspection and performance testing to satisfy that the device complies with Handbook 44 and is capable of performing within the Handbook 44 requirements for a reasonable period of time under normal conditions of use. Indicators and load cells in all “one-of-a-kind” scale installations must have an NTEP CC as evidence that the system meets the influence factor requirements of Handbook 44. (Amended 1998)

(9) **Repaired Device.** -- If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the Certificate of Conformance.

(10) **Remanufactured Device.** -- If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to a Certificate of Conformance.

(11) **Copy of a Device.** -- The manufacturer who copies the design of a device that is traceable to a Certificate of Conformance, but which is made by another company, must obtain a separate Certificate of Conformance for the device. The Certificate of Conformance for the original device shall not apply to the copy.

(12) **Device Components** -- If a person buys a load cell(s) and an indicating element that are traceable to Certificates of Conformance and then manufactures a device from the parts, that person shall obtain a Certificate of Conformance for the device.

Section 5. Participating Laboratory and Agreements

The Director is authorized to:

- (1) Operate a Participating Laboratory as part of the National Type Evaluation Program. In this regard, the Director is authorized to charge and collect fees for type evaluation services.
- (2) Cooperate with and enter into agreements with any person in order to carry out the purposes of the act.

Section 6. Unlawful Acts

It shall be unlawful for any person to:

- (1) Use a device in a commercial application unless a Certificate of Conformance has been issued for such device unless exempt in Section 4.
- (2) Sell a device for use in a commercial application unless a Certificate of Conformance has been issued for such device unless exempt in Section 4.

Section 7. Revocation of Conflicting Regulations

All provisions of all orders and regulations before issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, and specifically, are hereby revoked.

Section 8. Effective Date

This regulation shall become effective on _____.