

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS

CHAPTER 87

VOLUNTARY REGISTRATION OF SERVICE PERSONS  
OR SERVICE AGENCIES

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Historical note: This chapter is based substantially upon Section 9.400 of Rule 9.000/486-71, entitled "Voluntary Registration of Servicemen or Service Agencies," of the Division of Measurement Standards. [Eff. 1/27/72, R 12/26/81]

§4-87-1 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, the provisions of this chapter are severable. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-2

§4-87-2 Violations. (a) It shall be a violation of this chapter for any person to:

- (1) Use for any purpose a measurement standard which has not been certified as required under §4-87-13;
- (2) Install or return to service any measurement measurement standard which has not been approved as to type by the director;
- (3) Install or return to service any measurement standard which does not comply with all requirements of this chapter, and chapter 102, title 4, Administrative Rules, and the specific applicable code chapter of title 4, Administrative Rules;
- (4) As a registrant, affix a seal to a measurement standard unless and until the standard has been tested and found to comply with all requirements;
- (5) Fail to properly execute and mail the placed-in-service report required under §4-87-12; and
- (6) Adjust equipment to the edge of the applicable tolerance, when further adjustment would approach zero error.

(b) Any person who omits the required acts or commits the proscribed acts of the chapter shall be in violation of this chapter and subject to the provisions of chapter 486 or 486D, Hawaii Revised Statutes. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5, 486D-6) (Imp: HRS §§486-9, 486-15, 486-18, 486-30, 486D-3, 486D-4, 486D-5, 486D-6)

§4-87-3 Applicability. This chapter applies to any person or agency who, for consideration or payment of any kind, alters the state of any component of a measurement standard or its performance, and who voluntarily registers with the director. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-4 Definitions. As used in this chapter,

"Acceptance tolerance" establishes limits of inaccuracy permissible for measurement standards, susceptible of commercial usage. Acceptance tolerance applies to a new or a newly overhauled or newly installed or adjusted measurement standard, and is smaller than the maintenance tolerance, usually by one-half;

"Maintenance tolerance" establishes the limits of inaccuracy within which measurement standards susceptible of commercial usage shall perform, and beyond which the use of such measurement standard becomes unlawful. The maintenance tolerance applies to devices which have been in use for more than thirty days;

"Registered service agency" means an entity involved in any of the application areas cited in §4-87-3. Under an agency registration, identification and listing of registered personnel employed or utilized is mandatory;

"Registered service person" means a natural person involved in any of the activities and for any of the purposes cited in §4-87-3;

"Seal" means the sign, symbol, or object placed upon a measurement standard to indicate that it has been inspected and tested by the director or registered service person or agency and found to be in compliance with all applicable requirements;

"Susceptible of commercial usage" includes persons, things, actions, including governmental agencies, involved in establishing the net, gross, or tare measure, cost, or value of any part, portion or proration of the total, as it may be used in the quantification or measurement of anything impacting upon salary or wages, commerce or trade, or their documentation, including the establishing of a basis for taxes due.

[Eff. 12/26/81] (Auth: HRS §§486-9, 496D-5)

(Imp: HRS §§486-9, 486D-5)

§4-87-5 General code. Chapter 102, title 4, Administrative Rules, entitled "General code," is incorporated in this chapter. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-2, 486-9, 486D-5)

§4-87-6 Qualifications. An individual or agency that satisfactorily demonstrates qualified ability, and:

- (1) Is fully qualified to install, service, repair, relocate, or recondition a measurement standard;
- (2) Has a thorough working knowledge of all applicable measurement standards laws, rules, procedures, and orders; and
- (3) Has possession of, or available for use, measurement standards and testing equipment appropriate in design, adequate in amount, and currently certified as correct by the director,

may apply to the director for registration. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-3, 486D-4, 486D-5)

§4-87-7 Reciprocity. The director may accept a certificate of registration from an individual or a representative of a registered agency from another state which is a party to a similar voluntary registration program. [Eff. 12/26/81] (Auth: HRS §§486-9, 486-34, 486D-5) (Imp: HRS §§486-9, 486-34, 486D-5)

§4-87-8

§4-87-8 Voluntary registration. An individual or an agency may apply for registration on MSP 1-99, as cited in chapter 76, title 4, Administration Rules. This form, when fully executed and witnessed, shall entitle the applicant to demonstrate knowledge and ability regarding the equipment and laws governing that equipment cited on the application form, to the director. The demonstration shall include technical competence in standard tests and standard methods prescribed for such devices. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-9 Certificate of registration. Upon satisfactory demonstration of technical competence and adequate knowledge of applicable legal requirements, the director shall issue a certificate of registration on MSP 2-98, as cited in chapter 76, title 4, Administrative Rules, including a unique identification number, which shall remain in effect until withdrawn by the director or surrendered by the registrant. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-10 Privileges of registrant. (a) A registrant may place in service, or remove an official State rejection tag and return to service, any device that complies with chapter 102 and the applicable specific code chapter 103, 106, 107, 108, 111, 112, 113, 114, 115, 116, 120, 122, 123, or 124, title 4, Administrative Rules, by applying thereon a seal supplied by the director, subject to §4-87-12(2)(B). A non-registrant is specifically proscribed of such actions.

(b) A registrant shall be exempt from the annual measurement standard fee for calibration and certification.

(c) A registrant shall, in accord with a schedule mutually agreeable to the registrant and the director, comply with the provisions of §4-87-13. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-11 Time limitation for director's test. The director shall periodically check the effectiveness of the registrant by follow-up investigation and test in accord with the applicable specifications, tolerances, and other technical requirements for measurement standards, as appropriate. When a follow-up is made within thirty days of the date identified on the placed-in-service report cited under §4-87-12, the director shall apply acceptance tolerances in the investigation. Follow-up beyond thirty days of the date identified on the placed-in-service report shall result in the director applying maintenance tolerances in the investigation. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-12 Placed-in-service reports. The director shall furnish each registrant with a supply of placed-in-service report forms, MSP 2-99, as cited in chapter 76, title 4, Administrative Rules. The registrant shall:

- (1) Type the required information on the report, including:
  - (A) The owner of the device;
  - (B) The location of the device;
  - (C) The identification number of the registrant;
  - (D) The rejection tag number, if any;
  - (E) The time and date the device was returned to or initially placed in service; and
  - (F) The standard test or standard method used to determine compliance and certification; and
- (2) The report shall be executed in triplicate:
  - (A) The original, after being countersigned by an agent of the owner or operator, shall be retained by the person countersigning;
  - (B) The duplicate copy shall be forwarded to the director within seventy-two hours of installation or return of the device to service, along with any rejection tag removed from the device; and
  - (C) The triplicate copy shall be retained by the registrant.

[Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-13 Correct standards and testing equipment. Each person shall submit, prior to use and at least annually to the director for examination and certification, measurement standards and testing equipment over which that person exercises custodial control, and which are susceptible of use in performance of the required service and testing functions cited herein. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-2, 486-8, 486-9, 486-11, 486-12, 486-15, 486-18, 486D-2, 486D-3, 486D-4, 486D-5)

§4-87-14 Revocation of certification of registration. The director may, for actions contrary to the requirements of this chapter and after careful consideration of the maintenance and repair activities history of registrant, suspend or revoke a certificate of registration. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)

§4-87-15

§4-87-15 Limited authority. This chapter confers limited quasi- measurement standard inspector authority upon a certified registrant; however, certification in no way obligates nor creates any liability on the part of the director, arising from any true or alleged improper, imprudent, unsound, unlawful, or illegal act of a registrant. [Eff. 12/26/81] (Auth: HRS §§486-9, 486D-5) (Imp: HRS §§486-9, 486D-5)