

**CHAPTER 7. REGISTRATION AND REPORT OF INSPECTION OF
COMMERCIAL WEIGHING AND MEASURING DEVICES**

- Sec.
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Authority

The provisions of this Chapter 7 issued under the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4101—4194, unless otherwise noted.

Source

The provisions of this Chapter 7 adopted May 7, 1999, effective May 8, 1999, 29 Pa.B. 2460, unless otherwise noted.

§ 7.1. Purpose.

This chapter is intended to establish the program described in section 4114 of the act (relating to registration and report of inspection and testing of weighing and measuring devices used for commercial purposes), requiring the registration and reporting of inspection and testing of those commercially used weighing and measuring devices required to be tested and inspected in accordance with section 4112 of the act (relating to general testing and inspections).

§ 7.2. Weighing and measuring devices affected.

This chapter applies to the following:

- (1) Weights and measures used in determining the weight, measurement or count of commodities or things sold, offered or exposed for sale on the basis of weight, measure or count.
- (2) Weights and measures used in computing the basic charge for services rendered on the basis of weight, measure or count or of devices used to dispense services on time.
- (3) Commercially used small capacity retail computing scales, retail package shipping scales, vehicle scales, small platform scales which weigh items to 1,000 pounds, truck-mounted fuel oil meters, truck-mounted liquid petroleum gas meters, compressed natural gas meters and retail motor fuel dispensers.
- (4) Commercially used UPC scanning systems and PLU devices.

Cross References

This section cited in 70 Pa. Code § 7.3 (relating to requirement: registration of devices by owners); 70 Pa. Code § 7.4 (relating to report by inspectors); and 70 Pa. Code § 7.5 (relating to registration process).

§ 7.3. Requirement: registration of devices by owners.

(a) *Owners required to register.* The owner of any weighing or measuring device described in § 7.2 (relating to weighing and measuring devices affected) shall register the device with the Department in accordance with the procedure in § 7.5 (relating to registration process).

(b) *Exception: certain establishments engaged in the retail sale of gasoline.* Subsection (a) notwithstanding, an establishment involved in the retail sale of gasoline for use in the fuel supply tanks of motor vehicles, which is required to obtain an annual liquid fuels permit from the Department of Revenue in accordance with 75 Pa.C.S. Chapter 90 (relating to Liquid Fuels and Fuels Tax Act), shall be exempt from the registration requirement.

(c) *Owners required to report registered devices that are subsequently removed from commercial use: exception.* The owner of a weighing and measuring device registered with the Department in accordance with this chapter shall report the removal of that device from commercial use within 30 days of the removal.

(1) The report shall be in writing, and shall clearly identify the device and the location with respect to which it was registered.

(2) The report shall be directed to the Department, at the address in § 2.2 (relating to contacting the Department).

§ 7.4. Report by inspectors.

(a) *City or county sealer.* A city or county sealer who tests or inspects a weight or measure described in § 7.2(1) or (2) (relating to weighing and measuring devices affected), in accordance with section 4112 of the act (relating to general testing and inspections), and under a memorandum of understanding with the Department, shall submit a monthly written report to the Department. This written report shall be submitted to the Department by the 15th day of each month, and shall describe the following with respect to work performed in the preceding month:

(1) A summary of the work performed.

(2) A description of the weights, measures and weighing and measuring devices inspected or tested, the date of the inspection or test and the results of the inspection or test.

(3) A description of the nature and result of all criminal prosecutions of violations of the act or this chapter.

(b) *CEWM.* A CEWM who tests and inspects a weighing or measuring device described in § 7.2(3) in accordance with section 4112(b) of the act shall report the inspection to the Department set forth in § 4.13 (relating to reporting procedures for CEWM).

(c) *Certified UPC/PLU inspector.* A certified UPC/PLU inspector who tests and inspects a UPC scanning system or PLU device described in § 7.2(4) in

accordance with section 4112(c) of the act shall report the inspection to the Department in the manner in § 5.12 (relating to inspections: reporting procedures).

§ 7.5. Registration process.

(a) *Persons required to register commercially used weighing and measuring devices.* The owner of a weighing or measuring device described in § 7.2 (relating to weighing and measuring devices effected) shall register the device with the Department in accordance with the procedure in this section.

(b) *Obtaining a registration form.* The Department will provide an approved weighing or measuring device registration form upon request. The form will be formatted so that multiple devices can be registered using a single form. In lieu of the form provided by the Department, a person may use a form of his own construction, as long as the information in subsection (c) appears in a legible and understandable fashion on the document.

(c) *Required information.*

(1) *Information to be included.* A weighing or measuring device registration form shall require the following information:

- (i) The name and address of the person registering the device.
- (ii) The location of the device.
- (iii) The manufacturer's name or brand name.
- (iv) The model number listed on the device.
- (v) The capacity of the device, if applicable.
- (vi) The serial number of the device.
- (vii) The category or type of weighing or measuring device to which the newly-installed device belongs.

(2) *Exception.* If the weighing or measuring device being registered is a UPC scanning system or PLU device, the registrant may provide the information required under paragraph (1)(i) and (ii), and provide a general description of the various components of the system or device rather than the information required under paragraph (1)(iii)—(vii).

(d) *Time for filing the form.*

(1) *General.* A person required to file a registration form shall do so within 30 days of the installation of a weighing or measuring device with respect to which registration is required, unless the registrant belongs within one of the categories of registrant described in paragraph (2), (3) or (4).

(2) *Food establishments.* A food establishment shall register its weighing and measuring devices at the same time it submits its annual registration to the Department under the Food Act.

(3) *Public eating and drinking places.* A public eating and drinking place shall register its weighing and measuring devices at the time it submits its annual license fee under the Public Eating and Drinking Place Law.

(4) *Commercial feed facilities.* A commercial feed facility shall register its weighing and measuring devices at the time it submits its annual license fee under 3 Pa.C.S. § 5103 (relating to licensing).

(e) *Action by Department.* The Department will review each registration form it receives under this chapter and, within 30 days of receiving the form, mail the registrant a registration document or a written request for clarification of inaccurate or illegible material on the form. If the Department requests additional clarification, its review and consideration of the registration form will cease until the requested clarification is received, at which time the 30-day review period shall begin again.

(f) *Registration document.* The registration document shall be in the form of a letter from the Director appended to a copy of the registration form. Registration shall remain valid until the registered device is moved to a new location.

Cross References

This section cited in 70 Pa. Code § 7.3 (relating to requirement: registration of devices by owners).

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