

CHAPTER 9. WEIGHMASTERS**GENERAL**

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Authority

The provisions of this Chapter 9 issued under the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4101—4194, unless otherwise noted.

Source

The provisions of this Chapter 9 adopted May 7, 1999, effective May 8, 1999, 29 Pa.B. 2460, unless otherwise noted.

GENERAL**§ 9.1. Purpose.**

This chapter is intended to establish terms, conditions and procedures applicable to the licensure and performance of licensed public weighmasters in accordance with Subchapter C of the act (relating to public weighmasters).

§ 9.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Gross weight—Total weight of vehicle and load.

Net weight—Gross weight less tare weight.

Public weighing—The weighing of a commodity for a commercial purpose.

Tare weight—The actual weight of only the vehicle.

Weighmaster's certificate—A document in the format in § 9.11 (relating to issuing a public weighmaster's certificate), evidencing that the issuer is licensed by the Department in accordance with section 4151 of the act (relating to licenses), has weighed the material described in that document on an approved scale which has been tested for accuracy, and has complied with relevant provisions of this chapter.

§ 9.3. License required.

A person may not assume the title “licensed public weighmaster” or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster under the act or this chapter, hold himself out as a licensed public weighmaster, issue a weighmaster's certificate, ticket memorandum or statement or engage in the full-time or part-time business of public weighing unless the person holds a valid license as a licensed public weighmaster.

§ 9.4. Qualifications.

A person shall meet the following requirements to be qualified to apply for a public weighmaster's license:

(1) The prospective applicant shall be at least 18 years of age as of the date of application.

(2) The prospective applicant shall own or have use of a type of weighing device approved by the Bureau in accordance with Subchapter D of the act (relating to device type approval) and with Chapter 10 (relating to device type approval) and approved by a weights and measures officer of the Commonwealth for use as of the date of application.

§ 9.5. Application for public weighmaster's license.

(a) *Obtaining an application form.* The Department will provide a person an application form for a public weighmaster's license upon request. Requests should be directed to the Department at the address in § 2.2 (relating to contacting the Department).

(b) *Requirements of the form.* The application form for a public weighmaster's license shall require the following information of the applicant:

(1) The name and address of the business for which the licensed public weighmaster would be conducting weighing.

- (2) The name, address and age of the applicant.
- (3) The location of the scales where weighing would be conducted by the licensed public weighmaster.
- (4) Verification that the scales referenced in paragraph (3) have been inspected and approved by a State inspector, county sealer or city sealer in accordance with the act and this part.
- (c) *License fee.* The fee for a public weighmaster's license is \$60. This fee shall be by check or money order made payable to the "Commonwealth of Pa."
- (d) *Submitting the application and fee.* An applicant for a public weighmaster's license shall submit a completed application form and the license fee to the Department at the address in § 2.2.
- (e) *Departmental action on application.* The Department will, within 30 days of receiving a completed application form and the correct license fee, do one of the following:
 - (1) Mail the applicant a public weighmaster's license.
 - (2) If the application form is incomplete, illegible or otherwise deficient, the Department will mail the applicant written notice of the problem and the action required to resolve it. If the Department notifies an applicant of a deficiency, its review and consideration of the application will cease until the deficiency is corrected, at which time the 30-day review period will begin again.
 - (3) Refer the application to a county or city inspector of weights and measures for a report to be delivered to the Department within 30 days of receipt of the referral as to the accuracy of the statements made on the application, the suitability of the scales to be used by the applicant and other information the Department might reasonably require, mail the applicant written notice of this referral and advise the applicant that the Department will complete its review of the application within 30 days of receiving the report from the entity to whom the application was referred.

Cross References

This section cited in 70 Pa. Code § 9.6 (relating to term of license; subsequent licenses).

§ 9.6. Term of license; subsequent licenses.

- (a) *Term.* A public weighmaster's license is valid for 2 years from the date it is issued.
- (b) *Subsequent licenses.* A licensed public weighmaster shall follow the application process described in § 9.5 (relating to application for public weighmaster's license) to acquire a new license. To avoid a lapse in licensure, a licensed public weighmaster is encouraged to apply for a new license at least 60 days in advance of the expiration of the current license.
- (c) *Change of status.* If there is a change to a name or address provided the Department on the public weighmaster's license application, the licensed public weighmaster shall notify the Department of this change within 48 hours of its

occurrence. Although this notification may be made by a telephone to meet this 48 hour deadline, the licensed public weighmaster shall subsequently mail or deliver written notice of this change to the Department within 7 days of its occurrence.

§ 9.7. Format of a public weighmaster's license.

A public weighmaster's license issued by the Department under this subchapter will contain the following:

- (1) The name of the person to whom it is issued.
- (2) A unique license number assigned to the public weighmaster.
- (3) The name and address of the business for which the licensed public weighmaster conducts public weighing.
- (4) The location of the scales where the licensed public weighmaster conducts public weighing.
- (5) The date the license was issued.
- (6) The date the license will expire.
- (7) Other information the Department deems reasonable for a public weighmaster's license.

§ 9.8. Display of license required.

A licensed public weighmaster shall conspicuously display the license, or a photocopy of the license, at the place where the licensed public weighmaster is engaged in weighing.

§ 9.9. Commodities sold by weight.

A commodity to be sold by weight in this Commonwealth shall be weighed by a licensed public weighmaster at the time of sale or delivery on scales which meet the following requirements:

- (1) The scales are suitable for weighing the tare and gross weight of the vehicle or vehicle and trailer transporting the commodity.
- (2) The scales are located within this Commonwealth.
- (3) The scales are of a type approved by the Department in accordance with Subchapter D of the act (relating to device type approval) and Chapter 10 (relating to device type approval).
- (4) The scales measure weights of greater than 1,000 pounds.

§ 9.10. Weighmaster's certificate.

(a) *Certificates required.* A licensed public weighmaster shall, at the licensed public weighmaster's own expense, have a supply of weighmaster's certificates formatted in accordance with subsection (b). The Bureau will provide a sample weighmaster's certificate upon request.

(b) *Contents.* A weighmaster's certificate shall contain the following information:

- (1) The kind and size of the commodity.
 - (2) The name and address of the seller.
 - (3) The name and address of the purchaser.
 - (4) The license number of the vehicle and trailer, or other means of its permanent identification.
 - (5) The signature and license number of the licensed public weighmaster who weighed the commodity and who issued the weighmaster's certificate.
 - (6) The date and hour when weighed.
 - (7) The gross weight in avoirdupois pounds of the vehicle and the load, the tare weight and net weight of the commodity, and, if the load is divided into lots, the net weight of each lot.
 - (8) A sequential serial number.
 - (9) Other relevant information the licensed public weighmaster deems necessary.
- (c) *Triplicate form.* A weighmaster's certificate shall be prepared in triplicate.
- (d) *Distinguishing original from copies.* The original weighmaster's certificate shall bear the words "Customer's Copy," and the two copies shall bear the words "Void—Customer Do Not Accept."
- (e) *Variations in format and size.* The form and size of a weighmaster's certificate may be such as to suit any system or accounting device, as long as the certificate otherwise meets the requirements of this chapter.

§ 9.11. Issuing a public weighmaster's certificate.

- (a) *General requirement.* A licensed public weighmaster shall issue a weighmaster's certificate with respect to any public weighing the licensed public weighmaster conducts.
- (b) *Required weighing device.* A licensed public weighmaster shall, when making a public weighing, use a weighing device which is of a type approved by the Department in accordance with Subchapter D of the act (relating to device type approval) and Chapter 10 (relating to device type approval), suitable for the weighing of the amount and kind of commodity to be weighed and which has been tested and approved for use by a weights and measures officer of this Commonwealth preceding the date of the weighing.
- (c) *Order of issuance.* A licensed public weighmaster shall issue weighmaster's certificates in consecutive order of the serial numbers affixed thereon.
- (d) *Computer generated, typewritten or indelible pencil.* The original weighmaster's certificate shall be computer generated, typewritten or completed with indelible pencil.
- (e) *One licensed public weighmaster per certificate.* A public weighmaster's certificate shall be entirely the product of a single licensed public weighmaster. A licensed public weighmaster may not enter a weight value on a weighmaster's

certificate unless the public weighmaster has personally determined that weight, and may not make any entry on a weighmaster's certificate of another licensed public weighmaster.

(f) *Clarity required.* A licensed public weighmaster shall issue a complete and accurate weighmaster's certificate that legibly shows what weights were actually determined. If the certificate form provides for the entry of gross, tare and net weights, and the licensed public weighmaster determines fewer than these three weights, the weighmaster shall strike through or otherwise cancel these undetermined weights on the certificate. If weights recorded on a certificate were determined on different dates, the certificate shall clearly report these dates. If the weights recorded on the certificate were determined using different scales, the certificate shall clearly identify these scales.

(g) *Reweighing solid fuel.* A licensed public weighmaster may not reweigh or issue a weighmaster's certificate for solid fuel unless the motor vehicle operator has surrendered the original and all duplicate weighmaster's certificates in his possession pertaining to the solid fuel. The licensed public weighmaster shall attach these certificates to the scale copy of the new weighmaster's certificate. The new certificate shall be retained in a manner that they may be easily reconciled. These provisions notwithstanding, a duplicate copy of the original weighmaster's certificate may be returned to the operator of the vehicle if it is obliterated with a rubber stamp using the following legend:

This solid fuel has been reweighed and this certificate should not be accepted. Any attempt to use this certificate to deliver solid fuel should be reported to your local or State inspector of weights and measures at once.

(h) *Distribution of original and copies.*

(1) The original of a weighmaster's certificate shall be delivered to the purchaser of the commodity specified in the certificate at the time of delivery.

(2) One copy of a weighmaster's certificate shall be maintained at the place of weighing for a period of at least 2 years. A copy of a weighmaster's certificate may be retained by the business selling or delivering the commodity.

Cross References

This section cited in 70 Pa. Code § 9.2 (relating to definitions).

§ 9.12. Retention and inspection of certificates.

A licensed public weighmaster is responsible to retain a copy of each weighmaster's certificate the public weighmaster issues for at least 2 years. These records shall be subject to inspection or subpoena for use as evidence by any State, county or city inspector of weights and measures.

SOLID FUEL**§ 9.21. Weighmaster's certificate required.**

(a) *Rule for lots exceeding 100 pounds.* A person may not sell, transport over a public highway, deliver or cause to be delivered or start out to deliver a solid fuel in a lot or lots in amounts exceeding 100 pounds unless each lot is in a separate compartment of the vehicle or vehicle and trailer and each lot is accompanied by a weighmaster's certificate.

(b) *Exceptions.* The rule in subsection (a) does not apply to solid fuel when any of the following occur:

(1) The weighing takes place at the point of delivery or sale.

(2) The producer of the solid fuel furnishes proof, satisfactory to the Department or to an inspector of weights and measures, that the solid fuel being transported comes from the producer's own mine, is the producer's own property and is being transported for purposes other than sale.

(3) The sale transaction entails the sale of a boatload or railroad carload of solid fuel delivered directly from the boat or car to a purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier.

(c) *Rule for lots of 100 pounds or less.* A person may not sell, transport over a public highway, deliver or cause to be delivered or start out to deliver a solid fuel in a lot or lots in amounts of 100 pounds or less unless each lot is in a separate compartment of the vehicle or vehicle and trailer and each lot is accompanied by a weighmaster's certificate. These requirements need not be met if the solid fuel is in closed containers or closed bags and the following information is plainly printed on the container or bag or on a tag securely attached to the container or bag:

(1) The net contents of the container or bag (expressed in avoirdupois pounds).

(2) The type of solid fuel.

(3) The name, address, city, state and zip code of the seller.

§ 9.22. Sales by employer-producer to employes.

(a) *Sales generally.* If it is specified under a contract, an employer-producer of solid fuel may sell solid fuel at cost, by cubic contents instead of weight, to its employes for their own use and consumption. No solid fuel sold in this way may be transported over a public highway unless the operator of the vehicle possesses a certificate of origin.

(b) *Obtaining a certificate of origin.* The Department will provide a sample copy of a certificate of origin upon request. A sample certificate may be photocopied for use by a producer-employer.

(c) *Content of certificate of origin.* A certificate of origin shall require the following:

- (1) The name and address of the producer-employer.
 - (2) A description of the type and approximate cubic volume of the solid fuel being transported.
 - (3) The destination of the solid fuel.
 - (4) A statement that the certificate of origin is issued in accordance with section 4168 of the act (relating to sales by employer-producer to employees).
 - (5) The signature of the employer-producer or its agent.
- (d) *Record retention.* A copy of a certificate of origin issued under section 4168 of the act shall be retained at the place of production for at least 2 years, and shall, during business hours, be subject to inspection or subpoena for use as evidence by any State, county or city inspector of weights and measures.

§ 9.23. Certificate affecting weighing requirements.

- (a) *Authorization to haul without weighmaster's certificate.*
- (1) The Department will issue an authorization allowing a person to haul solid fuel on the public highways for a distance of up to 10 miles from the point of origin of the solid fuel without a weighmaster's certificate if all of the following occur:
 - (i) There are no scales at the point of origin of the solid fuel, or the scales are inadequate, inaccurate or otherwise incapable of providing the accurate readings necessary for the production of a weighmaster's certificate.
 - (ii) The solid fuel has been loaded into a vehicle by the producer of the solid fuel.
 - (iii) The sale of the solid fuel has not been consummated and the delivery of the solid fuel to the consumer has not yet begun.
 - (iv) There are adequate scales to weigh the solid fuel within 10 miles of the point of origin of the solid fuel.
 - (2) If the Department issues the authorization described in this subsection, the person to whom it is issued shall haul the solid fuel to the nearest available scale of a licensed public weighmaster, but no more than 10 miles from the point of origin of the solid fuel. At this scale, the weight of the solid fuel shall be determined so that the producer of the solid fuel is able to consummate its sale. The trucker will be furnished with a weighmaster's certificate for the solid fuel before departure of the solid fuel from the scale for delivery to the consumer.
- (b) *Certificate of transport.* A conveyor of solid fuel operating under this section shall have in his possession at all times during the period of transport from point of origin to place of weighing and departure for delivery a certificate of transport containing the following information:
 - (1) The date on which the certificate is issued.
 - (2) The time of leaving the mine or breaker.
 - (3) The name of the driver of the transporting vehicle.
 - (4) The license number of the transporting vehicle and trailer.

- (5) The name of the owner or lessor of the mine or breaker.
- (6) The location of the mine or breaker.
- (7) The location of the scale to which solid fuel is being conveyed.

(c) *Source and disposition of certificate of transport.* The certificate of transport shall be furnished by the owner or lessor of the mine or breaker and surrendered to the weighmaster upon issuance of the weighmaster’s certificate.

(d) *Registration.* An owner or lessor of mines or breakers operating under this section shall register with the Department by letter to the address in § 2.2 (relating to contacting the Department), and provide a copy of this registration letter to any county sealer or city sealer having enforcement authority with respect to the area from which the solid fuel originates or the scales to which it is to be transported. The registration shall include the name and location of the mines or breakers and the names and locations of the scales to which the owner or lessor proposes to transport solid fuel for the purpose of weighing before starting it out for delivery.

Cross References

This section cited in 70 Pa. Code § 9.24 (relating to limitations of certificate for anthracite).

§ 9.24. Limitations of certificate for anthracite.

(a) *Certificate of quality required.* If solid fuel is transported to a licensed public weighmaster under authority of a certificate of transport as described in § 9.23 (relating to certificate affecting weighing requirements), and the solid fuel is anthracite (excluding barley and smaller sizes), the weighmaster may not weigh the anthracite unless the certificate of transport is accompanied by a certificate of quality. A certificate of quality shall be made out in ink or indelible pencil, in triplicate, with the original bearing the legend “original” and the copies bearing the legend “copy” in 1 inch letters diagonally across the face. A certificate of quality shall be sufficiently mutilated at the left end to permit it to be securely attached to the corresponding copies of the certificate of the weighmaster as provided in subsection (b). The format of the certificate of quality shall be as follows:

CERTIFICATE OF QUALITY
PENNSYLVANIA ANTHRACITE STANDARDS LAW

Name of Producer _____

ADDRESS OF PREPARATION PLANT OR BREAKER _____

Weighmaster’s Certificate Serial No. _____

Quality Certificate Serial No. _____

Date _____

Name and Address of Purchaser or Consignee: _____

Size of Anthracite _____

Model and Registration Number of Transporting Vehicle _____

ATTESTED: “STANDARD ANTHRACITE” or “SUBSTANDARD ANTHRACITE”

(State which kind)

(Name of Shipper)

By: _____

(Signature or facsimile signature)

(Authorized officer, partner or owner)

(b) *Requirements.* The weighmaster may not deliver the weighmaster’s certificate to the transporter until the weighmaster has first inserted the serial number of the weighmaster’s certificate on copies of the certificate of quality and securely attached the certificate of quality to the appropriately corresponding copies of the weighmaster’s certificate, including the scale copy.

§ 9.25. Responsibilities of weighmasters.

Weighmasters will be held responsible and their licenses will be subject to revocation for negligence, failure to abide by the requirements of this chapter or failure to reconcile their records.

§ 9.26. Certificate of special transportation.

(a) *Requirement.* If coal is not offered for sale and it is necessary to transport the coal over the public highway from the point of mining, stripping operation or culm bank to railroad cars, coke ovens, breakers, washery or other form of preparation plants, the operator of the vehicle transporting the coal shall possess a certificate of special transportation, containing the following information, written in ink or indelible pencil:

- (1) The date and time on which the certificate was issued.
- (2) The license number of the truck (if a truck is the transport vehicle).
- (3) The name of the owner or lessor of the mine, stripping operation or culm bank.
- (4) The destination of the transport vehicle.
- (5) The purpose for which the coal is being transported: that is, coking, preparation for sale or preparation for transport in railroad cars.

(b) *Issuance and surrender.* The driver of each truck shall possess a new certificate of special transportation each day the driver hauls the coal described in subsection (a).

- (1) The certificate of special transportation shall be issued to the driver at or before the driver starts out for that day’s deliveries.
- (2) The certificate shall be issued by a responsible employe of the operator of the mine, stripping operation, culm bank from which the coal is to be transported, or by a responsible employe of the preparation plant to which the coal is to be delivered.

(3) The driver shall surrender the certificate of special transportation to a responsible person at the point of delivery of the last load of the day.

(4) The recipient of the certificate of special transportation shall retain the certificate for at least 90 days.

(c) *Other requirements.* Certificates of special transportation shall be consecutively numbered, made in duplicate and shall be furnished by and at the expense of the operator. The duplicate shall be retained at the point of issuance for 90 days.

§ 9.27. Issuance of weighmaster certificates with respect to mine track scales and tippie scales.

Weighmaster certificates, as prescribed by the act, may be issued by licensed weighmasters of mine track scales or tippie scales if there is compliance with the following:

(1) The operator of the vehicle shall present to the weighmaster a weighmaster's certificate showing the tare weight prior to loading.

(2) The net weight of the solid fuel being loaded in the vehicle shall be determined at the time of loading by determining the gross weight of the loaded mine cars or buggies and deducting the tare weight of the mine cars or buggies.

(3) The gross weight shall be determined by adding the tare weight and the net weight.

§ 9.28. Reweighing and issuance of certificates.

(a) *Conditions of reweighing.* A licensed weighmaster may not reweigh or issue a weighmaster's certificate for solid fuel unless the motor vehicle operator has surrendered the original and duplicate weighmaster's certificates in his possession pertaining to the solid fuel. These certificates shall be attached by the weighmaster to the scale copy of the new weighmaster's certificate. The new weighmaster's certificate shall be issued and maintained in a manner that the new certificate and any prior certificates may be easily reconciled. A duplicate copy may be returned to the operator of vehicle if the duplicate copy of the weighmaster's certificate is obliterated with a rubber stamp using the following legend:

This solid fuel has been reweighed and this certificate should not be accepted. Any attempt to use this certificate to deliver solid fuel should be reported to your local or State inspector of weights and measures at once.

(b) *Certain anthracite.* In the case of anthracite, except barley and the smaller sizes, before issuing the new certificates, the weighmaster shall accurately and legibly imprint on the original and each copy the complete certificate of quality required by the Anthracite Standards Law (73 P. S. §§ 261—269), as it appears on the surrendered certificates.

(c) *Consequence of failure to surrender weighmaster certificate.* If the operator refuses or fails to surrender the weighmaster certificate, the weighmaster shall refuse to weigh the vehicle.

§ 9.29. Reciprocity with New York.

State inspectors, county sealers and city sealers shall accept weight certificates issued by a weighmaster licensed by the State of New York if the following occur:

- (1) The commodity weighed is solid fuel.
- (2) The scales upon which the public weighing was performed are located in New York, within 5 miles of the Pennsylvania/New York border.

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