

ALABAMA DEPARTMENT OF WEIGHTS AND MEASURES
AGRICULTURE AND INDUSTRIES
ADMINISTRATIVE CODE

CHAPTER 80-13-5
RULES FOR APPROVAL OF WEIGHING AND MEASURING DEVICES

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80-13-5-.01	<u>Approval Of Weighing And Measuring Devices.</u>

The Superintendent of weights and measures shall pass upon each type of weight and measure and weighing and measuring device manufactured, offered or exposed for sale or sold for use or used in the State of Alabama and shall approve or disapprove of said type. The said Superintendent shall approve each type of weight and measure and weighing and measuring device submitted to him for approval by any person if such type is so designated and constructed that it conforms to the specifications adopted by the State Board of Agriculture and Industries and gives correct results in terms of standard weights or measures or in terms of values derived therefrom, and is reasonably permanent in its indication and adjustment and does not facilitate the perpetration of fraud, otherwise the superintendent shall disapprove the same.

Note: The term, Superintendent of Weights and Measures, used in the above rule is now Director, Weights and Measures/Gins and Warehouse Division of the Department of Agriculture and Industries.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-15-16.

History: Filed: April 19, 1982.

80-13-5-.02 Submission Of Devices.

The submission of a type may be by sample or by specifications if, in the best judgment of the Superintendent, such specifications are adequate, or in such other manner as may be prescribed by the rules and regulations promulgated by the State Superintendent of Weights and Measures.

Note: See note to Rule No. 80-13-5-.01 for definition of Superintendent used in the above rule.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

80-13-5-.03 Definition Of "Type".

The word "type" as used in this regulation is defined as a class, the individual objects of which are similar one to another in design, construction, size and material.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, § 80-16-15.

History: Filed April 19, 1982.

80-13-5-.04 Notification Of Approval Or Disapproval Of Devices.

When a type of weight or measure or weighing or measuring device is approved, the said Superintendent shall issue a certificate to this effect to the person submitting such type. When a type is disapproved, the Superintendent shall notify the person submitting same of his decision setting out the reasons therefore, and shall give such person an opportunity to be heard in support of his application for approval.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

Ed. Note: Note: See note to Rule no. 80-13-5-.01 for definition of Superintendent used in the above rule.

80-13-5-.05 Unlawful To Sell Unapproved Devices; Exceptions.

From and after January 1, 1926, it shall be unlawful for any person to manufacture, offer or expose for sale, sell or give away

for use in trade or commerce, any weight or measure or weighing or measuring device of a type not approved in accordance with this regulation: Provided, however, that in case of weights and measures and weighing and measuring devices manufactured and ready for sale or in use in the State of Alabama at the time this regulation takes effect, no approval of type shall be necessary: And provided further, that the type of a weight or measure or weighing and measuring device is intended for shipment outside the State of Alabama, then this provision shall not exempt such device from the operation of this Chapter.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

80-13-5-.06 Registration Of Devices.

The Superintendent of Weights and Measures shall register and give a serial number to each type of weight and measure and weighing and measuring device submitted and approved as provided by this regulation.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

Ed. Note: Note: See note to Rule No. 80-13-5-.01 for definition of Superintendent of Weights and Measures appearing in the above rule.

80-13-5-.07 Manufacturer And Serial No. To Be Placed On Devices.

From and after January 1, 1926, it shall be unlawful for any person to manufacture, offer or expose for sale or give away, or to use in trade or commerce any weight or measure or weighing or measuring device which does not have stamped, cast, etched or otherwise marked thereon, the name of the manufacturer and the serial number of the approved type to which it belongs: Provided, that whenever the type of the device is such as to render it impracticable to mark it as required by this rule, the Superintendent of Weights and Measures shall have the power to rule that such type needed not be marked as required by this Section.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

Ed. Note: See note to Rule No. 80-13-5-.01 for definition of Superintendent of Weights and Measures appearing in the above rule.

80-13-5-.08 Prohibitions Against Simulating A Serial Number.

It shall be unlawful to mark in any manner upon any weight or measure or weighing or measuring device, the type of which has not been approved as required by this regulation, any design simulating a serial number provided by this Chapter.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

80-13-5-.09 Presumption That Devices Are To Be Used For Commerce.

All weights and measures and weighing and measuring devices manufactured, sold, offered or exposed for sale for use in the State of Alabama or is used therein shall be conclusively presumed to be intended for use in trade or commerce, unless it shall bear a plain, legible, conspicuous and permanent statement to this effect "Not Legal for Trade": Provided, however, that whenever the type of the device is such as to render such a mark impracticable, the Superintendent of Weights and Measures shall have the power to exempt such a type from the provisions of this rule. It shall be unlawful to use in trade or commerce any device which is marked as described in this rule.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982. Note: See note to Rule no. 80-13-5-.01 for definition of Superintendent of Weights and Measures appearing in the above rule.

80-13-5-.10 Penalty For Violation.

Any person who shall violate any of the provisions of this regulation shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §80-16-15.

History: Filed: April 19, 1982.

Ed. Note: The 1927 Agricultural code under Section 261 amended the above rule. The 1940 code further amended this rule. The 1975 code sets out punishment for violation of a Weights and Measures regulation under Code of Ala. 1975, §8-16-18. The Statutory Authority for Chapter 80-13-5 in its entirety with the exception of Rule No. 80-13-5-.10, is Code of Ala. 1975, §80-16-15. The

explanation of the Statutory Authority for Rule No. 80-13-5-.10 is footnoted above under the rule. This Chapter was approved September 2, 1925. It became effective January 1, 1926.