ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
WEIGHTS AND MEASURES
ADMINISTRATIVE CODE

CHAPTER 80-13-6
ADOPTION OF NATIONAL STANDARDS FOR WEIGHING AND MEASURING DEVICES; REGISTRATION REQUIREMENTS FOR WEIGHING AND MEASURING DEVICES AND FEES THEREFOR

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80-13-6-.01 National Bureau Of Standards Handbook 105-1, 105-2, 105-3, Adopted.

The United States Department of Commerce, National Bureau of Standards publications, concerned with specifications and tolerances for reference standards and field standards weights and measures, entitled NBS Handbook 105-1, specifications and tolerances for field standards weights (NBS Class F); NBS Handbook 105-2, specifications and tolerances for graduated neck type volumetric field standards are incorporated, adopted and made a rule of this Department. Any portion of the above federal standards handbooks in conflict with existing or future Alabama laws are specifically not adopted and incorporated and should be disregarded.

Note: The above rule 80-13-6-.01, was originally classified as Rule no. 80-13-3-.02 using the same title as set out above. Under the new numbering system sent to Legislative Reference Service, the above rule became 80-13-6-.01 in chapter 80-13-6 entitled as set out above.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §8-15-16.
History: Filed: September 1, 1983.

80-13-6-.02 National Bureau Of Standards Handbook 133, Adopted.

The United States Department of Commerce, National Bureau of Standards Publications, concerned with checking the net content of packaged goods, entitled NBS Handbook 133, is hereby incorporated, adopted and made a rule of this Department. Any portion of the above handbook in conflict with existing or future Alabama laws is specifically not adopted or incorporated and should be disregarded.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §80-16-15.
History: Filed: September 21, 1984.

80-13-6-.03 Registration Requirements For Weights And Measures And Fees Therefor.

Effective, October 1, 2004, any person, firm, incorporated or unincorporated association or organization, corporation, partnership, limited liability company, cooperative, two or more individuals having a joint or common interest or other business entity that can identified by distinct geographic location including, but not limited to subsidiaries, branches, sub-stations or locations, affiliates and satellites possessing and maintaining, a measuring device as defined herein, who is selling, offering or exposing for sale et any commodity, by weight or measure, as defined in §8-16-1 seq, Code of Ala. 1975, as amended shall be considered a separate and unique individual or entity and subject to this regulation. Each such separate and unique individual or entity shall pay an annual registration fee which shall be assessed by and become payable to the Department of Agriculture and industries for any weighing or measuring device.

(a) Those devices designed to measure weight between 0 to 1000 pounds or the metric equivalent shall be considered lightweight medium duty scales. Each individual or entity employing the use of a lightweight medium duty scale in the normal course of its business or trade shall pay to the Commissioner of Agriculture and Industries a fee of $20.00 per each device, or in the alternative, shall pay an annual fee of $150.00 per business location.

(b) Those devices designed to measure weight between 1001 to 50,000 pounds or the metric equivalent shall be considered a medium duty scale. Each individual or entity employing the use of a medium duty scale in the normal course of its business or trade shall pay to the Commissioner of Agriculture and Industries a fee of $30.00 per each device, or in the

alternative, shall pay an annual fee of $150.00 per business location.

(c) Those devices designed to measure weight between 50,001 to 400,000 pounds or the metric equivalent shall be considered a heavy duty scale. Each individual or entity employing the use of a heavy duty scale in the normal course of its business or trade shall pay to the Commissioner of Agriculture and Industries a fee of $50.00 per each device, or in the alternative, shall pay an annual fee of $150.00 per business location.

(d) Those devices designed to dispense any substance at a rate of 20 gallons or the metric equivalent or greater per minute shall be considered a high speed dispenser. Each individual or entity employing the use of a high speed dispenser in the normal course of its business or trade shall pay to the Commissioner of Agriculture and Industries a fee of $50.00 per each device, or in the alternative, shall pay an annual fee of $150.00 per business location. Nothing in this rule shall apply to those devices dispensing any substance at a rate of less than 20 gallons or metric equivalent per minute.

(e) Those devices utilized by commercial dairy farming entities designed to contain and dispense volumes of milk for introduction into commerce shall be considered a dairy milk tank. Each individual or entity employing the use of a dairy milk tank in the normal course of its business shall pay to the Commissioner of Agriculture and Industries a fee of $50.00 per each device, or in the alternative, shall pay an annual fee of $150.00 per business location.

(f) No individual or entity remitting any fees to the Alabama Department of Agriculture and Industries under Chapters 19, 21, 22, 23, or 26 of Title 2 of the Code of Ala. 1975, as amended other than nursery dealer fees found in 80-10-1-.03(3) of the Alabama Administrative Code, fertilizer dealer fees found in 80-1-6-.12(b) of the Alabama Administrative Code, or supplemental seed container sales fees found in 80-11-1-.07(a) of the Alabama Administrative Code shall be required to pay in the aggregate an amount under this regulation in excess of $30.00 for any one twelve month period beginning October 1 and ending September 30.

(g) Scales and weighing devices utilized in livestock markets as defined in Chapter 15 of Title 2 of the Code of Ala. 1975, as amended shall be specifically exempt from this regulation.

(h) Any individual or entity found in violation of any portion of this regulation by the Alabama Department of Agriculture and Industries shall be placed under written notice of violation by the Commissioner of Agriculture and Industries or his or her duly authorized agents. Said individual or entity

will have thirty days from the date of violation notice to comply with this regulation. If, after the expiration of said 30 day period, said individual or entity shall be immediately subject to any and all penalties relating to weights and measures provided for in the Code of Ala. 1975, as amended or the Alabama Administrative Code.

(i) All individuals or entities registering any of the devices listed in (b)and (c) above shall, at any and all times the registered device or devices is/are utilized, have on et seqduty a weighmaster as outlined in §8-16-50 of the Code of Ala. 1975, as amended. Beginning October 1, 2004, a fee of $20.00 payable to the Commissioner of Agriculture and Industries shall be assessed each person appointed or designated as a weighmaster. The certificate of appointment or designation provided for in §8-16-50(d)of the Code of Ala. 1975, as amended shall be prominently displayed in a conspicuous manner at the location where the device or devices is/are utilized.

(j) Governmental entities shall be exempt from the fees outlined hereinabove.

Author: John P. Hagood, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §§8-16-15, 8-16-51.
History: New Rule: Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 17, 2012, effective September 21, 2012. **Amended:** Filed May 14, 2014, effective June 18, 2014.

80-13-6-.04 Requirement For Weighing And Measuring Devices To Be Serviced At Least Once Annually By A Registered Service Agent.

At least once annually, the individual or entity possessing and maintaining a weighing or measuring device, shall have said device serviced and calibrated by a Registered Service Agent as defined in §8-16-1, Code of Ala. 1975, as amended. For the purpose of this section, the annual requirement shall be based on the fiscal year utilized by the State of Alabama which runs from October 1st through September 30th.

Author: Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §8-16-7.
History: New Rule: Filed May 14, 2014, effective June 18, 2014.

80-13-6-.05 Penalty For Failure To Operate, Use, Or Possess Weighing And Measuring Devices Not In Compliance With Current Laws And Regulations.

(1) Any individual or entity found in violation of any portion of the Code of Ala. 1975, as amended, and the Alabama Administrative

Code relating to the operation, use, or possession of a weighing and measuring device shall be placed under written notice of violation by the Commissioner of Agriculture and Industries or his or her duly authorized agents. Said individual or entity will have thirty days from the date of violation notice to comply with this regulation. If, said individual or entity fails to comply with this regulation, they shall be immediately subject to any and all penalties relating to weights and measures provided for in the Code of Ala. 1975, as amended or the Alabama Administrative Code.

(2) Any individual or entity found to be in violation of this chapter or any portion of Title 8, Chapter 16 of the Code of Ala. 1975, as amended, shall be subject to a fine of $500.00 per occurrence for the first violation within a twelve (12) month period. Subsequent violations at the same physical location during the same twelve (12) month period shall result in a fine of twice the amount of the previous fine, not to exceed $8,000.00.

(3) Any individual or entity possessing and operating a liquid petroleum measuring device that has not been serviced or calibrated within the past two fiscal years shall be immediately subject to a fine of $5,000 per location. In this situation, the Department may audit the individual or entity possessing and operating the noncompliant liquid petroleum measuring device for the past six fiscal years and fine the individual or entity $5,000.00 per year for noncompliance with the annual servicing and calibrating requirement in Ala. Admin. Rule 80-13-6-.04. The maximum fine allowable under this section is $25,000.00 per location.

Example 1: If it is discovered during the 2022 fiscal year that a device was not serviced or calibrated during fiscal year 2021, but was serviced and calibrated during the 2020 fiscal year, the individual or entity possessing or operating the measuring device will be given thirty days to have the device serviced and calibrated or be fined in accordance with 80-13-6-.05(1).

Example 2: If it is discovered during the 2022 fiscal year that a device was not serviced and calibrated during FY2020 nor FY2021, the individual or entity possessing or operating that device is immediately subject to a fine of $5,000.00.

Example 3: If it is discovered during the 2022 fiscal year that a device was not serviced and calibrated during FY2016, FY2017, FY2018, FY2019, FY2020 nor FY2021, the individual or entity possessing or operating that device is immediately subject to a fine of $25,000.00.

Author: Patrick B. Moody, N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§8-16-7, 8-16-18.
History: **New Rule:** Filed May 14, 2014, effective June 18, 2014.
Amended: Published February 28, 2022; effective April 14, 2022.