

**CHAPTER 7601**  
**DEPARTMENT OF COMMERCE**  
**WEIGHTS AND MEASURES**

7601 0100	DEFINITIONS	7601 4010	VEHICLE AND LIVESTOCK SCALE
7601 1000	NIST HANDBOOK 44 INCORPORATED BY REFERENCE	7601 8000	FOUNDATIONS BIO DIESEL BLEND QUANTIFICATION METHOD "MN BIODIESEL 2005" INCORPORATED BY REFERENCE
7601 1010	NIST HANDBOOK 44, COMPLIANCE REQUIRED	7601 9000	REGISTRATION PROGRAM FOR LPG METER INSPECTORS, PURPOSE
7601 1020	NIST HANDBOOK 133 INCORPORATED BY REFERENCE	7601 9010	REGISTRATION
7601 2000	PROTECTION FROM ENVIRONMENT	7601 9020	INSPECTION SEALS
7601 3000	RAILWAY TRACK SCALES, PLANS	7601 9030	INSPECTION REPORTS
7601 3010	RAILWAY TRACK SCALE PERMITS	7601 9040	DIRECTOR MAY INSPECT
7601 3015	APPLICATION	7601 9050	VIOLATIONS AND SANCTIONS
7601 3020	RAILWAY TRACK SCALE FOUNDATION		
7601 3030	APPROACH RAILS AND PIERS		

**7601.0100 DEFINITIONS.**

*[For text of subs 1 to 11, see MR ]*

Subp 12 **National Type Evaluation Program (NTEP)**. "National Type Evaluation Program" and "NTEP" mean a program of weighing and measuring device evaluation and certification operated by the National Conference on Weights and Measures (NCWM)

*[For text of subp 13, see MR.]*

Subp 14 **Railway track scale**. "Railway track scale" means a scale of appropriate capacity and design that is used to weigh a rail car

*[For text of subs 15 to 21, see MR ]*

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

**7601.1000 NIST HANDBOOK 44 INCORPORATED BY REFERENCE.**

Subpart 1. **NIST Handbook 44 (2005)**. Weighing and measuring equipment manufactured, offered, or exposed for sale or sold or given away for use in trade or commerce in Minnesota must conform to the requirements and specifications of NIST Handbook 44 NIST Handbook 44 (2005), "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," as adopted by the 89th National Conference on Weights and Measures and published by the United States Department of Commerce, National Institute of Standards and Technology, (Washington, D.C., December 2004), is incorporated by reference subject to the following exceptions.

A. If NIST Handbook 44 (2005) contains any provisions contrary to the laws of Minnesota, or contrary to any rule, except part 7601 1000, of the Minnesota Department of Commerce, Minnesota law and department rules govern and supersede contrary provisions of NIST Handbook 44.

B The sentence of NIST Handbook 44 (2005), section 2 (scale code), specification S.1.8 3., stating that "Unit price displays visible to the customer shall be in terms of single whole units of weight and not in common or decimal fractions of the unit" is deleted.

C The director shall not enforce specifications and user requirements in NIST Handbook 44 (2005) that would require owners of motor fuel dispensers to install equipment capable of allowing the customer to select the unit price. These requirements are contained in section 3.30 (liquid measuring devices), specification S 1 6 4.1, specification S.1 6 5, specification S 1.6.5 4, and user requirement UR 3.3.

D The user requirement UR 2.2, in section 3.31 of NIST Handbook 44 (2005) does not apply so as to require a ticket printer on vehicle tank meters

E The last paragraph of NIST Handbook 44 (2005), section 3.30, specification S.3 1, and section 3.37, specification S 4 1, is replaced with

“An outlet that may be opened for purging or draining the measuring system or for recirculating product if recirculation is required in order to maintain the product in a deliverable state is permitted. Effective means must be provided to prevent passage of the liquid through any such outlet during normal operation of the measuring system and to inhibit meter indications, or advancement of indications, and recorded representations while the outlet is in operation ”

Subp. 2 **Handbook availability, location.** NIST Handbook 44, as adopted by reference in subpart 1, is available to the public at the Minnesota State Law Library, Minnesota Judicial Center, 25 Rev Dr Martin Luther King Jr Blvd, Saint Paul, Minnesota, 55155, and is not subject to frequent change.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### 7601.1010 NIST HANDBOOK 44; COMPLIANCE REQUIRED.

*[For text of subpart 1, see MR ]*

Subp 2. **Certification of weighing or measuring equipment.** A person who sells, installs, owns, or operates commercial weighing or measuring equipment manufactured after January 1, 1996, must sell, install, or use only weighing or measuring equipment of a make, model, and type for which a “Certificate of Conformance” has been issued by the National Conference on Weights and Measures (NCWM)

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### 7601.1020 NIST HANDBOOK 133 INCORPORATED BY REFERENCE.

Subpart 1 **NIST Handbook 133.** NIST Handbook 133 (Fourth Edition, January 2005), “Checking the Net Contents of Packaged Goods,” as adopted by the 89th National Conference on Weights and Measures and published by the United States Department of Commerce, National Institute of Standards and Technology, (Washington, D.C., December 2004), is incorporated by reference. If NIST Handbook 133 contains any provision contrary to the laws of Minnesota, the rules of the Minnesota Department of Commerce, or the packaging or labeling rules of the Minnesota Department of Agriculture, Minnesota laws and rules govern and supersede contrary provisions of NIST Handbook 133

Subp 2. **Handbook availability, location.** NIST Handbook 133, as adopted by reference in subpart 1, is available to the public at the Minnesota State Law Library, Minnesota Judicial Center, 25 Rev Dr Martin Luther King Jr Blvd, Saint Paul, Minnesota, 55155, and is not subject to frequent change.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### 7601.2000 PROTECTION FROM ENVIRONMENT.

*[For text of subps 1 and 2, see M.R ]*

Subp 3. **Grain hopper scales.** A hopper, tank, or mixer scale used for weighing grain or grain by-products must be completely enclosed in a building.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### 7601.3000 RAILWAY TRACK SCALES; PLANS.

Subpart 1 **Manufacturer’s plans.** Before installing a railway-track scale, the scale manufacturer shall furnish complete design, assembly, and construction plans to the purchaser

*[For text of subp 2, see MR ]*

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.3010 RAILWAY TRACK SCALE PERMITS.**

The director shall issue a permit to install a railway track scale if plans for installing the scale are submitted according to part 7601.3000, and if the planned scale installation meets the requirements of parts 7601.3020 and 7601.3030. The director shall review and approve the plans before issuing a permit. A railway track scale must not be installed without a permit.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.3015 APPLICATION.**

The requirements in parts 7601.3020 and 7601.3030 apply only to railway track scales that will be used to weigh individual, stationary rail cars, and do not apply to railway track scales that will be used to weigh rail cars in motion.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.3020 RAILWAY TRACK SCALE FOUNDATION.**

Subpart 1. **Soil bearing.** The owner, operator, or installer of a railway track scale shall complete a soil bearing test, performed by a registered engineer, before constructing the scale foundation. The soil bearing test must determine the load-bearing capacity of the soil that will be under the completed scale foundation. The engineer's report, including a statement that the soil bearing is suitable for the scale to be installed, must be submitted to the director before constructing the scale foundation. The director shall review and approve the report before issuing a permit for a scale installation.

*[For text of subs 2 and 3, see MR ]*

Subp. 4. **Length.** For a railway track scale installed after January 1, 1995, the length or combination of lengths of the weighing element or elements must be sufficient to allow single draft weighing.

Subp. 5. **Aboveground scale; concrete pier foundation.** An aboveground railway track scale foundation must meet the requirements in items A to H.

A. The weighing elements must be supported on reinforced concrete foundation piers.

B. Concrete surface slabs must be poured independently between the main foundation piers.

C. The end piers of the foundation must have end walls to prevent fill material from interfering with scale operation.

D. Where foundation construction techniques allow, the surfaces of the concrete slabs between the foundation piers must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform.

E. The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches.

F. The scale platform, structural member, foundation surfaces, and surrounding area must be designed to allow access for cleaning under the scale platform and around all weighing elements.

G. For outdoor scales, the tops of the piers and the surfaces of the slab or slabs between the piers must be above the existing grade level so that water will drain away from the scale.

H The piers must extend below the local frost line

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.3030 APPROACH RAILS AND PIERS.**

Subpart 1 **Approach rails.** A railway track scale must be installed with approach rails at the end of the scale. The approach rails must be at least 50 feet long and must be parallel to the scale rails in both the horizontal and vertical planes

*[For text of subp 2, see M.R.]*

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.4010 VEHICLE AND LIVESTOCK SCALE FOUNDATIONS.**

*[For text of subps 1 and 2, see M.R.]*

Subp 3 **Above-ground scale; concrete pier foundation.** An above-ground vehicle or livestock scale foundation must meet the requirements in items A to H

A The weighing elements must be supported on reinforced concrete foundation piers

B. Concrete surface slabs must be poured independently between the main foundation piers.

C. The end piers of the foundation must have end walls to prevent fill material from interfering with scale operation

D Where foundation construction techniques allow, the surfaces of the concrete slabs between the foundation piers must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform

E The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches for vehicle scales and at least 12 inches for livestock scales

F. The scale platform, structural members, foundation surfaces, and surrounding area must be designed to allow access for cleaning under the scale platform and around all weighing elements

G For outdoor scales, the tops of the piers and the surfaces of the slab or slabs between the piers must be above the existing grade level so that water will drain away from the scale.

H The piers must extend below the local frost line.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.8000 BIODIESEL BLEND QUANTIFICATION METHOD "MN BIODIESEL 2005" INCORPORATED BY REFERENCE.**

Subpart 1 **"MN Biodiesel 2005" test method.** The director, in consultation with the National Biodiesel Board and the Governor's Task Force on Biodiesel, shall publish a test method, known as "MN Biodiesel 2005," for the quantification of biodiesel blends for the purpose of enforcing the biodiesel requirement in diesel fuel. The director shall use this method for enforcement purposes until a suitable, nationally accepted method exists, such as a method adopted by the American Society for Testing and Materials

Subp. 2. **Location.** The director shall make available a copy of the method, which is incorporated by reference, and any updates or changes, including a nationally accepted method at the time it is available. The current version must be kept at the Minnesota State Law Library, Minnesota Judicial Center, 25 Rev Dr. Martin Luther King, Jr Boulevard, Saint Paul, Minnesota, 55155, provided to petroleum terminals in

Minnesota, posted on the department's Web site; and available upon request. The method is not subject to frequent change

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.9000 REGISTRATION PROGRAM FOR LPG METER INSPECTORS; PURPOSE.**

The purpose of the registration program is to allow privately employed individuals to inspect and test liquefied petroleum gas (LPG) meters

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.9010 REGISTRATION.**

Subpart 1 **Permit holders.** The director shall accept applications for the registration program from registered permit holders as defined in part 7601 7000

Subp 2. **Application.** An applicant shall provide the following information on an application form provided by the division.

A the registrant's name, company, and permit number;

B. a list of calibration equipment to be used during inspections; and

C. a copy of the current calibration certificate for all equipment.

Subp 3. **Testing.** If an applicant passes a written test and a field test, then the director shall authorize the applicant to inspect and test liquefied petroleum gas meters. The director shall develop and offer these tests to qualified applicants.

Subp. 4 **Permit required.** An applicant must continue to maintain the status of registered placng in service permit holder

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.9020 INSPECTION SEALS.**

The director shall provide each registered inspector with inspection stickers that, when applied, will indicate that a meter was tested and met specifications and tolerances at the time of the test. A new sticker must be applied annually

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.9030 INSPECTION REPORTS.**

A registered inspector shall complete a required test report for each meter tested and submit the original report to the director within five days. The director shall issue a warning to the owner for each meter that fails to pass an inspection performed by a registered inspector. The director shall place an "out-of-service" tag on the meter, unless the meter is condemned or removed from use.

When a meter is repaired between annual inspections, a registered inspector shall comply with part 7601 7060.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

#### **7601.9040 DIRECTOR MAY INSPECT.**

The director may inspect the work performed by a registered inspector at any time. The director shall use these inspections to determine whether the registrant is performing repairs in compliance with this chapter and Minnesota Statutes, chapter 239.

The director shall maintain a list of all liquefied petroleum gas meters in service in the state, and shall provide this list to any registered inspector that requests it.

The director shall keep current records of inspections for enforcement purposes.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*

**7601.9050 VIOLATIONS AND SANCTIONS.**

Subpart 1. **Violations.** In addition to part 7601 7090, subpart 2, each of the following acts and failures to act is considered a violation of this chapter:

- A. failure to submit a test report after completing an inspection,
- B. misuse or misapplication of inspection stickers;
- C. failure to renew placing in service registration; and
- D. use of test equipment that is past its calibration due date.

Subp 2 **Warning.** The director shall issue a warning letter to a registered inspector if the director finds that the registrant has committed any of the violations listed in part 7601.7090, subpart 2, or any of the violations listed in this part.

Subp. 3. **Suspension.** The director shall suspend for 30 days a registrant's permit if the director finds that the registrant has committed.

- A. more than one of the violations listed in part 7601 7090, subpart 2,
- B. more than one of the violations listed in this part, or
- C. any violation listed in this part or part 7601 7090 at any time after the director has issued a warning letter to the registrant

Subp 4. **Revocation.** The director shall revoke a registered inspector's permit if the director finds that the registrant has committed any violation after the director has suspended the registrant's permit.

**Statutory Authority:** *MS s 239 06*

**History:** *30 SR 346*