Regulation for Licensing of Scale Service Repairpersons and Scale Service-Repair Companies.

115.01 Definitions:

1. Service Repairperson. Any individual who for hire, award, commission, or any other payment of any kind installs, services, repairs, or reconditions a commercial weighing or measuring device.
2. Service Repair Company. Any agency, firm, company, or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial weighing or measuring device.
3. Commercial Weighing and Measuring Device. Any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale hire or award or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(Adopted April 6, 2010.)

115.02 License.

1. All scale service repairpersons and scale service repair companies must obtain a license annually from the Department.
2. There shall be an annual fee of $50.00 per Licensed Service Repairperson and $100.00 per Licensed Service Repair Company per section 75-27-67 of the *Mississippi Code of 1972, Annotated*. The fee shall be submitted at the time application for license is made.

(Adopted April 6, 2010.)

115.03 Minimum Equipment. Applicants for a license under this regulation must have available sufficient standards and equipment to adequately test devices as set forth in the Notes section of each applicable code in the current NIST Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. This equipment will meet the specifications of NIST 105-series standards. This subsection shall not bar the use of additional field standards and/or equipment, as approved by the Commissioner for uniform evaluation of device performance (see subsection 115.04, Examination and Calibration or Certification of Standards and Testing).

(Adopted April 6, 2010.)

115.04 Examination and Calibration or Certification of Standards and Testing Equipment. All field standards that are used for servicing and testing weights and measures devices for which a license under this regulation is required shall be submitted to the Department for initial verification and calibration and annually

thereafter. A licensed service repairperson or service repair company shall not use in servicing commercial weighing or measuring devices any field standards or testing equipment that have not been calibrated or verified by the Department. In lieu of submission of physical standards, the Commissioner may accept calibration and/or verification reports from any laboratory that is formally accredited or recognized by NIST. The Department shall maintain a list of organizations from which it will accept calibration reports. The Department shall retain the right to periodically monitor calibration results and/or to verify field standard compliance to specifications and tolerances when field standards are initially placed into service or at any intermediate point between calibrations.

(Adopted April 6, 2010.)

115.05 Service Report Form.

1. The Department shall furnish each licensee with a supply of report forms to be known as "Service Report Form." Such a form shall be executed and shall include the assigned licensee number, and shall be signed by a licensed service repairperson or by a serviceperson representing a licensed service repair company.
2. Within three days after a device is restored to service or placed in service, the original of the properly executed Service Report Form, together with any official rejection tag removed from the device, shall be forwarded to the Department's Weights and Measures Division either by U.S. mail, P.O. Box 1609; Jackson, MS 39215-1609; electronic mail, wm@mdac.state.ms.us; or to fax number: 601-359-1175.

(Adopted April 6, 2010.)

115.06 Revocation of License.

1. The Department may revoke a license for the violation of any provision of the "Weights and Measures Law of 1964," **MISS. CODE ANN.** §75-27-1, *et seq*. and/or any violation of the regulations promulgated there under.
2. The licensee shall be given written notice of the Department's intent to hold a hearing for the purpose of revocation of license. This written notice and any supporting documentation shall be sent to the licensee by any of the methods set forth in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. The notice shall include a date, time and place of the hearing and a statement of the licensee's right to be heard. The licensee may file a written answer and supporting documentation, if necessary, with the Department.
3. The Department shall hold the hearing no later than 30 days from the date the written notice is served or received.

(Adopted April 6, 2010.)