



Title 17, Chapter 90

Division of Measurement Standards Regulations

Comprehensive

Includes New Regulations Effective May 5, 2018

The Alaska Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement provides a reproduction of the regulations of 17 AAC 90 as a public courtesy. The Division cannot guarantee the absolute accuracy of this reproduction of 17 AAC 90. For the official published version of the regulations, please consult the Alaska Administrative Code (AAC). However, please note, the latest edition of the AAC, which includes these new regulations, effective May 5, 2018 (Register 226), will not be officially published until July 2018.

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Chapter 90 Division of Measurement Standards

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Article 1 Testing Equipment

Section

45. Testing equipment.
47. Annual verification.
49. Applicability and modification of national institute of standards and technology handbook 44.

17 AAC 90.045. Testing equipment

If the director believes that standards or testing equipment are inaccurate, the director shall require the testing and certification of those standards and testing equipment.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.090

17 AAC 90.047. Annual verification

- (a) The director may waive annual verification of field standards if the director determines that the accuracy of the field standards is within acceptable tolerances as set out in one of the eight editions in the National Institute of Standards and Technology (NIST) Handbook 105 Series, which are adopted by reference. The eight editions adopted by reference in this subsection are as follows:
- (1) Handbook 105-1: *Specifications and Tolerances for Field Standard Weights (NIST Class F)* (1990 Edition);
 - (2) Handbook 105-2: *Specifications and Tolerances for Field Standard Measuring Flasks* (1996 Edition);
 - (3) Handbook 105-3: *Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards* (February 2010 Edition);
 - (4) Handbook 105-4: *Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers* (2016 Edition);
 - (5) Handbook 105-5: *Specifications and Tolerances for Field Standard Stopwatches* (1997 Edition);
 - (6) Handbook 105-6: *Specifications and Tolerances for Thermometers* (1997 Edition);
 - (7) Handbook 105-7: *Specifications and Tolerances for Dynamic Small Volume Provers* (1997 Edition);
 - (8) Handbook 105-8: *Specifications and Tolerances for Field Standard Weight Carts* (2003 Edition).

- (b) If the director waives the annual verification date under this section, the director will set a new date for verification and indicate that date in the division records.

History

History: Eff. 1/18/2002, Register 161; am 4/09/2009, Register 190; am 9/20/2015, Register 215; am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Editor's note: The National Institute of Standards and Technology (NIST) Handbook 105 Series, adopted by reference in 17 AAC 90.047, and supplements to it are published by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9325. Copies of the document are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 12050 Industry Way, Suite 6, Building O, Anchorage, AK 99515-3512, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.049. Applicability and modification of National Institute of Standards and Technology Handbook 44

- (a) The National Institute of Standards and Technology (NIST) publication entitled *Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices* applies to all devices, except as otherwise provided in this chapter.
- (b) Section 2.20 (scales) of the National Institute of Standards and Technology (NIST) publication entitled *Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices* is adopted by reference under AS 45.75.050(d) and this section, except as amended in (c), (d), and (e) of this section.
- (c) Note 3 is amended to read: N.3 Recommended Minimum Test Weights and Test Loads*. The recommended minimum test weights and test loads for in-service tests (except railway track scales) are shown in Table 4. [See Table 4 for *.]
- (d) The heading of Table 4 is amended to read:

Table 4.
Recommended Minimum Test Weights and Test Loads.

- (e) Paragraph UR 3.7(a) is modified by changing "landfills and transfer stations" to read "collection or transfer sites."

History

History: Eff. 1/18/2002, Register 161; am 12/31/2006, Register 180

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Editor's note: The National Institute of Standards and Technology (NIST) Handbook 44, adopted by reference under AS 45.75.050(d) and 17 AAC 90.049, and supplements to it are published by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9325. Copies of the document are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Anchorage, Alaska 99515, and at the Lieutenant Governor's Office, Juneau, Alaska.

Article 2 Disposition of Incorrect Apparatus

Section

- 90. Repair notice.
- 100. Not-sealed tags

17 AAC 90.090. Repair notice

The director may place tags indicating "Repair Notice" on any commercial weighing or measuring device that is inaccurate or in need of repairs. The owner or operator of a device that a tag indicating "Repair Notice" has been placed shall immediately repair the device as specified on the repair notice, unless the director issues written permission for the repair to be deferred. The division shall reject a device that remains in service without

the director's consent for deferred repair.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.110, AS 45.75.120

17 AAC 90.100. Not-sealed tags

- (a) The director may exempt a device in a commercial establishment from the sealing requirements of AS 45.75.120, if the device owner declares in writing that the device will not be used for commercial purposes, and the director determines that the device.
 - (1) is not being used for commercial purposes through abandonment, location, or condition; or
 - (2) cannot be used commercially because of construction or design
- (b) The owner or operator of a device that is exempt from sealing requirements under (a) of this section shall apply and maintain a tag supplied by the division on the device, prominently displaying the words: "Not sealed, unlawful to remove, not legal for use in trade."
- (c) Until it has been tested and sealed by an inspector of the division, a device bearing a tag specified in (b) of this section is not sealed and is not certified as correct and its use is prohibited for:
 - (1) the purpose of buying or selling;
 - (2) the purpose of weighing or measuring for hire or reward; or
 - (3) any other purpose for which the use of a sealed device is required.

History

History: Eff. 1/18/2002, Register 161; am 9/20/2015, Register 215

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.120

Article 3 Electric Meters

Section

- 410. Applicability.
- 420. Specifications and requirements for electric meters.
- 430. Construction and design.
- 440. Type designation and identification.
- 450. Rated current.
- 470. Watthour meter test.
- 480. Tolerances.
- 490. Instrument transformers.
- 500. Frequency of testing.
- 510. Meter test records.
- 520. Removal of meters for inspection.
- 530. Meter inspection at a central location.
- 540. Meter size.
- 550. Performance requirements.
- 560. Location of a meter.
- 570. Use of adjustments.
- 580. Assistance in testing operations.
- 590. Disposition of correct and incorrect meters.

600. Duty of owners of incorrect meters.

17 AAC 90.410. Applicability

The provisions of 17 AAC 90.410 - 17 AAC 90.600 interpret and implement the requirements for commercial weighing and measuring devices set out in AS 45.75.050(d), and apply to all electric meters, and any accessory or attachment, for the measurement of electrical energy.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.420. Specifications and requirements for electric meters

Unless otherwise specified in this chapter, the following publications are adopted by reference and set out the standards, specifications, and test procedures for electric meters, accessories, and associated devices used to measure electrical energy:

- (1) *American National Standard for Mechanical Demand Registers* (ANSI C12.4-1984);
- (2) *American National Standard for Electromechanical Watthour Meters* (ANSI C12.10-1987);
- (3) *Instrument Transformers for Revenue Metering 110 kV BIL and Less* (NEMA Pub El 21.1-1983);
- (4) *Instrument Transformers for Revenue Metering 125 kV BIL through 350 kV BIL* (NEMA Pub El 21.2-1983);
- (5) *American National Standard for Thermal Demand Meters* (ANSI C12.5-1978);
- (6) *Handbook for Electricity Metering*, Eighth Edition, published 1981 by the Edison Electric Institute.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Editor's note: The publications adopted by reference in 17 AAC 90.420(1) - (5) are available from IHS Engineering, 15 Inverness Way East, Englewood, Colorado 80112, and the publication adopted by reference in 17 AAC 90.420(6) is available from Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266. Copies are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 12050 Industry Way, Suite 6, Building O, Anchorage, Alaska 99515-3512, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.430. Construction and design

- (a) A meter must consist of materials, design, and construction to assure its accuracy under normal service conditions.
- (b) The cover of a meter must be strong enough to withstand ordinary usage. It must be dustproof and designed so that access to the interior requires the destruction of a seal.
- (c) The ratio of the rated load torque to the friction at the speed corresponding to the rated load must be high, to minimize the possibility of a change in the accuracy of the meter due to friction.
- (d) A meter must be designed so that the cover and terminal chamber can be securely sealed. Sealing arrangements must be designed so that authorized personnel may have convenient access to the meter for tests, adjustments, and maintenance. A security seal must be affixed to a meter in commercial use.
- (e) The terminals of a meter must be arranged to minimize the possibility of short circuits in removing or replacing the cover, making connections, and adjusting the meter.
- (f) A meter must easily allow the determination of the number of kilowatt hours registered by the meter. If the reading of a meter requires the use of a constant to calculate the kilowatt hours consumed, the proper constant to be applied must be prominently marked on the face of the meter.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.440. Type designation and identification

A meter must have the following information clearly and permanently marked on the nameplate, register, or other integral part of the meter so it is clearly visible from the front of the meter while installed in service:

- (1) manufacturer's name, type designation, and serial number of the meter;
- (2) the frequency rating of the meter;
- (3) the number of meter elements, if polyphase;
- (4) rated current or test amperes;
- (5) voltage rating;
- (6) ratio or rating of auxiliary devices, such as instrument transformers, demand registers, or shunts; and
- (7) the watt-hour constant or disk constant (Kh).

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.450. Rated current

The rated current must be marked on the nameplate by the manufacturer. The rated current must also be the full load calibration current of the meter when the test amperage is not given.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.470. Watthour meter test

- (a) The watthour meter test must consist of a light load test, a full load test, and 50 percent power factor as follows:
 - (1) the light load test is 10 percent of the meter current rating or test amperage, 100 percent power factor;
 - (2) the full load test is 100 percent of the meter current rating or test amperage, 100 percent power factor;
 - (3) the 50 percent factor is at 100 percent of the current rating or test amperes of the meter, 50 percent power factor with lagging current.
- (b) The meter disk must complete at least:
 - (1) one revolution during the light load test; and
 - (2) 10 revolutions during the full load test.
- (c) A meter may not creep.
- (d) Maximum tolerances for watthour meter are as follows:

TABLE (4)

Test Load	<u>Power Factor</u>	<u>Acceptance Tolerance</u>	<u>Maintenance Tolerance</u>
Full Load	1.0	± - 1 percent	± - 2 percent
Light Load	1.0	± - 1 percent	± - 2 percent
Full Load	0.5	± - 2 percent	± - 2 percent

- (e) The director will accept a manufacturer's certificate of accuracy for new single phase, single stator meters when the following conditions are met:

- (1) the manufacturer must show primary tractability of its standards and acceptability of its test equipment and procedures to the NIST;
 - (2) the manufacturer must provide a meter test card or a valid certificate for each meter that it certifies to the utility;
 - (3) the meter test card must display the meter serial number and the results of the full load, light load, and 50 percent power factor test and must be available for inspection by the division; the procedures and accuracy requirements must be those described in this section.
- (f) The division may test selected meters that are received by the utilities from the manufacturers to determine whether the meters meet the requirements of this section. Acceptance or rejection of a meter lot based on the sample test procedures will be determined by the division.
- (g) The procedure in (e) of this section does not relieve the utility company of its responsibility for testing and assurance of accuracy as stated in 17 AAC 90.500, but will be accepted as a substitute by the division, if the utility desires to use the manufacturer's services and the manufacturer can meet the division's conditions.
- (h) The division will provide testing assistance to utilities that do not have test equipment to ensure the accuracy of meters.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.480. Tolerances

- a) The tolerances prescribed in this chapter for electric meters and the meter's accessories apply equally to errors of under-registration and to errors of over-registration.
- (b) The acceptance and maintenance tolerance for demand meters, meter accessories, instrument transformers, and all other devices used to measure electrical energy sold to consumers is plus or minus two percent. When devices are used in combination, the total combined error may not exceed plus or minus two percent.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.490. Instrument transformers

All current and potential transformers must be tested before installation. A valid certificate of test furnished by the manufacturer will be accepted by the division. The owner or operator of an instrument transformer shall retain the manufacturer's certificate for the life of the transformer and must make the certificate available for inspection by the division upon request.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.500. Frequency of testing

- (a) An electric meter or accessory, other than an instrument transformer, must be tested by the owner or operator before installation and must be retested upon the request of:
 - (1) a consumer receiving service through the meter, as provided in AS 42.05.351; or
 - (2) the division.
- (b) In addition to the retest requirements in (a) of this section, the owner or operator of an electric meter must retest the meter if the:
 - (1) meter is removed from service for any reason; or
 - (2) division requires retesting because selective testing indicates that a particular type or age group of meters may be inaccurate.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.510 Meter test records

A person engaged in the sale or resale of electrical energy, shall keep a record of each meter or device used to measure electrical energy, indicating the make, model, and identification number, together with the date and results of all inspections, tests, and repairs. The record must be maintained for the life of the meter or device and available for inspection by the division.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.520. Removal of meters for inspection

The owner or operator of an electric meter or meter accessories shall remove the meter and its accessories for inspection by the division.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.530. Meter inspection at a central location

The owner or operator of a meter shall provide transportation for the meter to and from a central test location for inspection by the division.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.540. Meter size

- (a) A system supplying electricity that is offered for sale through a watthour meter must be adequately sized to provide the required voltage and amperage under all load conditions.
- (b) The meter must:
 - (1) be capable of accurately measuring the rated current capacity or load of the electrical service to be measured;
 - (2) have a current capacity of not less than 100 percent of the rated current capacity of the electrical service to be measured;
 - (3) be suitable in all other respects for the electrical system to be measured.
- (c) The overload capacity of a meter must be the largest load that can be accurately measured through that meter.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.550. Performance requirements

A meter that has an incorrect register constant, test constant, gear ratio, or dial train, is mechanically or electrically defective, or registers on "no load" may not be placed in service or allowed to remain in service without correction.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.560. Location of a meter

A meter must be positioned to allow the register to be easily and accurately read, and readily accessible for testing.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.570. Use of adjustments

The adjustable elements of a meter may be adjusted only to correct those conditions that the elements are designed to control, and may not be adjusted to compensate for defective or abnormal installation or accessories or for badly worn or otherwise defective parts of the assembly. Faulty installation conditions must be corrected and any defective part must be replaced or suitably repaired before adjustments are undertaken. If a meter is adjusted, the adjustments must be made to minimize performance errors.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.580. Assistance in testing operations

If the design, construction, or location of a meter requires a testing procedure involving special equipment or accessories, or an abnormal amount of labor, the owner or operator of the meter shall supply equipment, accessories, and labor required by the division.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.590. Disposition of correct and incorrect meters

The state metrologist will seal or mark with appropriate devices, a meter or accessory that the metrologist finds after inspection and testing to be correct as provided in this chapter. The state metrologist will mark or tag a meter or accessory "rejected" that the metrologist finds to be incorrect or does not meet the requirements of this chapter. The meter or accessory marked as "rejected" under this section may not be used, except as authorized by the division under 17 AAC 90.600.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.110, AS 45.75.120, AS 45.75.180

17 AAC 90.600. Duty of owners of incorrect meters

A meter or accessory rejected by the division under 17 AAC 90.590 remains subject to the control of the division until suitable repair or disposition of the meter is made as

required by this section. The owner of a rejected meter or accessory must correct it within 30 days or a longer period authorized by the division, or may dispose of it in the manner authorized by the division. A rejected meter or accessory may not be used commercially until officially re-examined by the division and found to be correct or until specific written permission for its use is issued by the division.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.110, AS 45.75.120, AS 45.75.180

Article 4 Commodities

Section

615. Checking the net contents of packaged goods.

616. Method of sale; commodities.

617. Uniform packaging and labeling.

17 AAC 90.615. Checking the net contents of packaged goods

All prepackaged commodity testing shall be conducted in accordance with the provisions contained in the NIST Handbook 133, *Checking the Net Contents of Packaged Goods*, 2018 Edition, dated November 2017, adopted by reference.

History

History: Eff. 1/18/2002, Register 161; am 12/31/2006, Register 180; am 9/20/2015, Register 215, am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.110, AS 45.75.120, AS 45.75.190, AS 45.75.200, AS 45.75.210, AS 45.75.220, AS 45.75.230, AS 45.75.240

Editor's note: Handbook 133, adopted by reference in 17 AAC 90.615, and supplements to it are published yearly by the U.S. Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9325. Copies of Handbook 133 are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Anchorage, Alaska 99515, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.616. Method of sale; commodities

Commodities kept, offered, or exposed for sale must conform to the *Uniform Laws and Regulations, Uniform Regulation for the Method of Sale of Commodities*, as published in NIST Handbook 130, 2018 Edition, dated November 2017, adopted by reference except as otherwise provided in this chapter.

History

History: Eff.4/9/2009, Register 190; am 9/20/2015, Register 215; am 5/5/2018, Register 226

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.100, AS 45.75.190, AS 45.75.200, AS 45.75.220, AS 45.75.225, AS 45.75.240, AS 45.75.282, AS 45.75.290, AS 45.75.300

Editor's note: The *Uniform Laws and Regulations, Uniform Regulation for the Method of Sale of Commodities*, which is adopted by reference in 17 AAC 90.616, is published in NIST Handbook 130, and supplements to it. NIST Handbook 130 is published yearly by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9325.

Copies of Handbook 130 are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Anchorage, AK 99515, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.617. Uniform packaging and labeling

Commodities kept, offered, or exposed for sale must conform to *Uniform Laws and Regulations, Uniform Packaging and Labeling Regulation*, as published in NIST Handbook 130, 2018 Edition, dated November 2017, adopted by reference except as otherwise provided in this chapter.

History

History: Eff.4/9/2009, Register 190; am 9/20/2015, Register 215; am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.100, AS 45.75.190, AS 45.75.200, AS 45.75.220, AS 45.75.225, AS 45.75.240, AS 45.75.282, AS 45.75.290, AS 45.75.300

Editor's note: The *Uniform Laws and Regulations, Uniform Packaging and Labeling Regulation*, which is adopted by reference in 17 AAC 90.617, is published in NIST Handbook 130, and supplements to it. NIST Handbook 130 is published yearly by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9325. Copies of Handbook 130 are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Anchorage, AK 99515, and at the Lieutenant Governor's Office, Juneau, Alaska.

Article 5 Price Verification

Section

- 630. (Repealed)
- 635. Examination procedures for price verification.
- 670. (Repealed)
- 680. (Repealed)

690. (Repealed)

700. (Repealed)

710. (Repealed)

720. (Repealed)

730. (Repealed)

17 AAC 90.630. Registered service provider required

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.635. Examination procedures for price verification

All price verification shall be conducted in accordance with *Examination Procedures for Price Verification*, as published in NIST Handbook 130, 2018 Edition, dated November 2017, adopted by reference.

History

History: Eff. 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.80, AS 45.75.100, AS 45.75.190, AS 45.75.200, AS 45.75.220, AS 45.75.225, AS 45.75.240, AS 45.75.282, AS 45.75.290, AS 45.75.300, AS 45.75.380

17 AAC 90.670. Minimum equipment and handbooks

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.680. Certification and registration for service provider

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.690. Duties of a registered service provider

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.700. Placed in service report and sealing

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.710. Examination and calibration or certification of Standards
and testing equipment

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.720. Revocation of certificate of registration

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

17 AAC 90.730. Publication of list of registered service providers

Repealed.

History

History: Eff. 1/18/2002, Register 161; repealed 9/20/2015, Register 215

Article 6 National Type Evaluation Program (NTEP)

Section

740. Certificate of conformance.

750. National type evaluation program and type standards.

760. Exemptions from type approval requirement.

770. Owner or operator to provide NTEP certificate of conformance.

780. Nonconforming devices prohibited.

17 AAC 90.740. Certificate of conformance

- (a) The director shall accept a certificate of conformance issued by the NIST or the National Conference of Weights and Measures under the National Type Evaluation Program described in the NIST Handbook 130, 2018 Edition, dated

November 2017, *Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality*, adopted by reference, as proof of compliance with the specifications and tolerances for weighing and measuring devices as prescribed in the NIST Handbook 44, adopted by reference in AS 45.75.050(d) and 17 AAC 90.049.

- (b) The director will require a certificate of conformance as described in (a) of this section before a commercial or law enforcement weighing or measuring device can be introduced into use in the state.

History

History: Eff. 1/18/2002, Register 161; am 12/31/2006, Register 180; am 9/20/2015, Register 215

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Editor's note: Copies of Handbook 130, adopted by reference in 17 AAC 90.740, and Handbook 44, and supplements are published yearly by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Printing Office, Washington, D.C. 20402-9325. Copies are also available for inspection at the Anchorage office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Anchorage, Alaska 99515, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.750. National type evaluation program and type standards

The director will use the standards and techniques described in the following documents adopted by reference to evaluate whether a weighing or measuring apparatus is correct within the meaning of AS 45.75.050(e):

- (1) NIST Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*;
- (2) NIST Handbook 105-1 (Revised 1990), *Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 1. Specifications and Tolerances for Field Standard Weights (NIST Class F)*;
- (3) NIST Handbook 105-2, *Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 2. Specifications*

and Tolerances for Field Standard Measuring Flasks, 1996 edition;

- (4) NIST Handbook 105-3, *Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 3. Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards*, 2010 edition.

History

History: Eff. 1/18/2002, Register 161; am 9/20/2015, Register 215

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Editor's note: Copies of Handbooks 44, 105-1, 105-2, and 105-3, adopted by reference in 17 AAC 90.750, and supplements to it are published yearly by the United States Department of Commerce, National Institute of Standards and Technology, and may be purchased from the Superintendent of Documents, United States Printing Office, Washington, D.C. 20402-9325. Copies are also available for inspection at the Anchorage Office of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 12050 Industry Way, Suite 6, Building O, Anchorage, Alaska 99515-3512, and at the Lieutenant Governor's Office, Juneau, Alaska.

17 AAC 90.760. Exemption from type approval requirement

- (a) The following weighing and measuring devices are exempt from the requirements in 17 AAC 90.740:
 - (1) a noncommercial device;
 - (2) a device that the director approved for commercial use before 1/18/2002, if that approval has not been revoked before 1/18/2002;
 - (3) a law enforcement device in use before 1/18/2002;
 - (4) a device that is accurate and correct and meets the requirements of the documents described in 17 AAC 90.750 and is:
 - (A) a unique, non-production device constructed for a particular installation, if the director determines through testing and evaluation that the device is accurate for its intended commercial

application;

- (B) a custom-built, but non-unique, device manufactured or assembled only with NTEP-approved electrical and mechanical components including the indicator and load cell, if the director determines through testing and evaluation that the device is accurate for its intended commercial application;
 - (C) a device submitted for state evaluation; or
 - (D) a device that the director determines through testing and evaluation is accurate for its intended commercial application and will be replaced by an approved device by a date specified by the director, not to exceed one year from the date of determination.
- (b) In determining whether to grant an exemption under (a) of this section, the director will apply the test, methods, and requirements under 17 AAC 90.750 that director determines are necessary to determine whether an exemption should be provided.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.770. Owner or operator to provide NTEP certificate of conformance

An owner or operator shall present a device's NTEP certificate of conformance upon request by the director.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.780. Nonconforming devices prohibited

The use of a commercial device that does not comply with the requirements of the chapter is prohibited.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Article 7 Appeals

Section

- 800. Purpose and applicability.
- 810. Notice of appeal.
- 820. Administrative review.
- 830. Hearing.
- 840. Judicial review.

17 AAC 90.800. Purpose and applicability

- (a) The purpose of 17 AAC 90.810 - 17 AAC 90.840 is to provide a process for an aggrieved party to appeal a particular action.
- (b) repealed 9/20/2015.

History

History: Eff. 1/18/2002, Register 161; am 9/20/2015, Register 215

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.810. Notice of appeal

- (a) Within 30 days after receiving notification of the division's decision, an aggrieved party may submit a written notice of appeal to the director.
- (b) The notice of appeal must contain the:
 - (1) decision being appealed;
 - (2) alleged violation of statute or regulation upon which the appeal is based;
 - (3) factual arguments supporting the allegation of the aggrieved party; and
 - (4) specific relief sought.
- (c) The notice of appeal must be signed by the aggrieved party or its authorized representative.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.820. Administrative review

Within 10 working days after the receipt of a notice of appeal under 17 AAC 90.810, the director will make a decision on the appeal to grant or deny the relief sought, and provide the aggrieved party with a copy of that decision. The decision of the director will be based on the:

- (1) information provided in the notice of appeal; and
- (2) records of the department.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.830. Hearing

- (a) If the director does not grant the relief sought under 17 AAC 90.820, an aggrieved party may request a formal hearing on the decision of the director under this section.
- (b) A request for hearing under this section must be in writing and must be received by the commissioner no later than 15 days after the date an aggrieved party received the decision under 17 AAC 90.820. A request must set out:
 - (1) the list of exhibits the aggrieved party intends to introduce at the hearing;
 - (2) the names of persons to be called as witnesses at the hearing; and
 - (3) whether the aggrieved party will be represented by counsel.
- (c) Except as provided in (i) of this section, within 10 days after receipt of the request for hearing made under (a) and (b) of this section, the commissioner will appoint a hearing officer to render a recommended decision to the commissioner.
- (d) Within 15 days after the receipt of an appeal, the hearing officer will establish a date by which the department will provide to the aggrieved party a list of exhibits that the department intends to introduce, a list of persons that the department intends to call as witnesses, and a date, time, and place for the hearing. Unless all parties to the appeal agree to an alternate date, the hearing will be held within 60 days after the request made under (a) and (b) of this section is received by the hearing officer. The hearing officer may authorize formal or informal discovery if:
 - (1) a party to the appeal requests discovery;
 - (2) discovery can be completed before the date of the hearing, unless all parties to the appeal agree to an alternate date; and

- (3) the hearing officer determines that discovery is necessary for the fair and orderly conduct of the hearing.
- (e) The hearing shall be recorded and shall be conducted according to the following rules of evidence:
- (1) oral evidence shall be taken only on oath or affirmation;
 - (2) each party or party's counsel, but not both, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on matters relevant to the issues even though those matters were not covered in the direct examination, impeach a witness regardless of which party first called the witness to testify, and rebut the evidence against that party;
 - (3) the hearing need not be conducted according to technical rules relating to evidence and witnesses; however, relevant evidence may be admitted if it is the sort of evidence that responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of the evidence over objection in a civil action; hearsay evidence may be used to supplement or explain direct evidence, but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action; the rules of privilege are effective to the same extent that they are recognized in a civil action; irrelevant and unduly repetitious evidence may be excluded; and
 - (4) the burden of proof is on the party making the appeal; the burden of persuasion is by a preponderance of the evidence.
- (f) The hearing officer shall make a recommended decision to the commissioner in the form set out in AS 44.62.510 within 21 days after the close of the record of the hearing. The commissioner may adopt, modify, reject, or request clarification of a recommended decision or remand the matter to the hearing officer with instructions.
- (g) The commissioner will notify an aggrieved party, within 10 days that the commissioner has rendered a final decision on the merits of an appeal, by certified mail, return receipt requested, including findings of fact and reasons for the ruling.
- (h) Expenses incurred by an aggrieved party with respect to a hearing are the sole responsibility of the aggrieved party.
- (i) Within 10 days after an appeal under (a) or (b), the commissioner may adopt the decision of the director as the department's final decision without a hearing.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.840. Judicial review

A decision of the commissioner on the merits of an appeal under this chapter is the final decision of the department. An aggrieved party may appeal a decision of the commissioner to the superior court in accordance with the Alaska Rules of Appellate Procedure.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Article 8 Metrology Laboratory Fee for Service

Section

910. Metrology laboratory fees.

17 AAC 90.910. Metrology laboratory fees

(a) The owner of an artifact or device who submits it to the state metrology laboratory for testing, calibration, or certification shall pay the department a fee for the following testing and certification services:

(1) for mass measurement services:

- (A) for class F weight sets: \$300 per set;
 - (B) for 25-pound class F weights: \$50 per weight;
 - (C) for 50-pound class F weights: \$50 per weight;
 - (D) for 500-pound class F weights: \$75 per weight;
 - (E) for 1,000-pound class F weights: \$75 per weight;
 - (F) for adjustment of mass measurement artifacts or devices, if out of tolerance: \$85 per hour;
- (2) for volumetric measurement services:
- (A) for five-gallon test measures: \$75 per test measure;
 - (B) for provers over five gallons and up to and including 100 gallons: \$200 per prover;
 - (C) for provers over 100 gallons up to and including 500 gallons: \$600 per prover;
 - (D) or provers over 500 gallons up to and including 1,500 gallons: \$1,200 per prover;
 - (E) for liquid propane gas (LPG) provers up to and including 100 gallons: \$400 per prover;
- (3) for electric meters:
- (A) for residential electric meters: \$150 per device;
 - (B) for industrial electric meters: \$150 per device;
- (4) for speed detection devices:
- (A) for single tuning forks: \$30 per fork;
 - (B) for a lidar device: \$150 per device;
- (5) for miscellaneous artifacts, devices, or services:
- (A) for wheel load weighers: \$85 per unit;
 - (B) for adjustments: \$85 per hour;

- (C) for thermometry: \$85 per hour;
 - (6) for services of the state metrology lab, other than those specified in (1) - (5) of this subsection: \$85 per hour.
- (b) In addition to the applicable fees specified in (a) of this section, the owner of the device or artifact shall pay all mailing and shipping expenses.

History

History: Eff. 7/9/2000, Register 155; am 1/18/2002, Register 161; am 4/9/2016, Register 218; am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

Article 9 Weighing and Measuring Device Registration and Fees

Section

- 920. Device registration fees.
- 925. Registration required.
- 930. (Repealed)
- 935. Term of registration.

17 AAC 90.920. Device registration fees

A person who submits a weighing and measuring device for registration under AS 45.75 and this chapter shall pay the department an annual fee as follows:

- (1) for a liquid measuring device:
 - (A) other than a device listed in (B) - (E) of this paragraph, and with a maximum flow rate, as specified by the manufacturer, of:

- (i) no more than 20 gpm: \$25;
 - (ii) greater than 20 gpm and no more than 100 gpm: \$45; and
 - (iii) greater than 100 gpm: \$85;
 - (B) with a retail remote control, indicating, or recording unit: \$70;
 - (C) with a key-lock or card-reader system, and with a maximum flow rate, as specified by the manufacturer, of:
 - (i) no more than 20 gpm: \$25;
 - (ii) greater than 20 gpm and no more than 100 gpm: \$45; or
 - (iii) greater than 100 gpm: \$85;
 - (D) with a bulk plant remote indicating or recording unit: \$70; or
 - (E) for liquid propane gas (LPG), and with a maximum flow rate, as specified by the manufacturer, of
 - (i) no more than 25 gpm: \$75;
 - (ii) greater than 25 gpm: \$150;
- (2) for a weighing device:
- (A) other than a device listed in (B) - (D) of this paragraph, and with a nominal capacity of:
 - (i) up to 50 pounds: \$15;
 - (ii) more than 50 pounds and no more than 1,000 pounds: \$25;
 - (iii) more than 1,000 pounds and no more than 5,000 pounds: \$35; or
 - (iv) more than 5,000 pounds: \$140;
 - (B) that is a vehicle scale: \$210;
 - (C) that is a railroad scale: \$350; or
 - (D) that is a belt conveyor: \$175;
 - (E) that is for marijuana: \$35; or

- (F) that is for gold: \$35;
- (3) for a check-out register
 - (A) before July 1, 2018: \$70;
 - (B) on or after July 1, 2018, for
 - (i) no more than two check-out registers: \$35;
 - (ii) more than two but no more than 10 check-out registers: \$70;
 - (iii) more than 10 check-out registers: \$150;
- (4) past due fee for each device: \$30.

History

History: Eff. 7/9/2000, Register 155; am 1/18/2002, Register 161; am 4/9/2016, Register 218; am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050

17 AAC 90.925. Registration required

A person who uses, or has in possession for the purpose of using, for a commercial purpose specified in AS 45.75.080, a new or used weighing or measuring device not previously used in commerce, must contact the division to register the device and pay the applicable registration fee described in 17 AAC 90.920, when billed. Upon completion of registration and receipt of the registration fee, the division will provide a certificate or other evidence of device registration compliance to the registrant.

History

History: Eff. 1/18/2002, Register 161; am 9/20/2015, Register 215

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.380

17 AAC 90.930. Forms, certificates, and application

A person required to register a weighing or measuring device under 17 AAC 90.925 must apply on an application form prescribed and furnished by the division. Upon completion of registration and receipt of the registration fee, the division will provide a certificate or other evidence of device registration compliance to the registrant.

History

History: Eff. 1/18/2002, Register 161

Annotations

Authority: AS.45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080

17 AAC 90.935. Term of registration

- (a) A weighing and measuring device registration expires on June 30 of each year. An application for renewal of registration and the registration fee established in 17 AAC 90.920 must be received by the division by July 1 of each calendar year or the next working day if July 1 does not fall on a working day.
- (b) A registration renewal application and fee received by the division after July 15 is considered past due. For an initial registration, the application and fee are considered past due if it is not received by the division on or before the date the device is first placed in service. An application for initial registration or renewal of registration that is past due under this subsection must include the past due fee, for each device, and the registration fee established in 17 AAC 90.920.

History

History: Eff. 1/18/2002, Register 161;

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.380

Article 10 Definitions

Section

990. Definitions.

17 AAC 90.990. Definitions

In this chapter, unless the context requires otherwise,

- (1) "ANSI" means American National Standards Institute;
- (2) "artifact" means any measurement standard (mass or volume) submitted to the metrology laboratory for calibration or other measurement services;
- (3) "commercial and law enforcement weighing and measuring device" has the same meaning given the term "commercial and law-enforcement equipment" in NIST Handbook 44, Section 1.10, General Code, Paragraph G-A.1;
- (4) "commissioner" means the commissioner of the Department of Transportation and Public Facilities;
- (5) "creep" means that, with the load wires removed and with potential only applied to the meter, the moving element rotates at a speed in excess of one revolution in five;
- (6) "current capacity" means the maximum current that a meter can carry continuously without damage and without exceeding the allowable limits of accuracy;
- (7) "day" means calendar day;
- (8) "department" means the Department of Transportation and Public Facilities;
- (9) "device" means a weighing and measuring device as described in Item G-A.1 of Section 1.10, General Code, NIST Handbook 44, adopted by reference in AS 45.75.050(d);
- (10) "director" means the director of the division of measurement standards and commercial vehicle enforcement;

- (11) "division" means the division of measurement standards and commercial vehicle enforcement;
- (12) "electric meter" means a device that measures and registers the integral of an electrical quantity with respect to time;
- (13) "gpm" means gallons per minute;
- (14) "NIST" means the National Institute of Standards and Technology;
- (15) "NTEP" means National Type Evaluation Program;
- (16) repealed 9/20/2015.
- (17) "power factor" means the ratio of watts over volt-amperes, power factor = $\frac{\text{watts}}{\text{volt-ampere}}$;
- (18) repealed 9/20/2015.
- (19) "standard" means an artifact established by authority as a rule for the measure of mass volume, length, quantity, or other measurable value;
- (20) "watthour" means the total or integrated amount of energy delivered in one hour at a steady or average rate of one watt;
- (21) "watthour constant" (disk constant) means the registration of one revolution of the rotating element expressed in watt-hours;
- (22) "weight set" is a group of weights, as determined by the director, contained within a single case or carrier designed specifically for that weight assortment;
- (23) "working day" means a calendar day, except Saturday, Sunday, or a state holiday.
- (24) "check-out register"
 - (A) means any device that is commercially used in a price verification system at a check-out register;
 - (B) includes
 - (i) a device that uses a universal product code (UPC) scanner;
 - (ii) a device that uses an electronic product code (EPC) reader;

- (iii) a device that uses manual entries;
- (iv) any current or future use of a device that could be used at the final point of sale as a means for pricing commercial sales.

History

History: Eff. 7/9/2000, Register 155; am 1/18/2002, Register 161; am 9/20/2015, Register 215; am 5/5/2018, Register 226

Annotations

Authority: AS 45.75.040, AS 45.75.050, AS 45.75.070, AS 45.75.080, AS 45.75.380
