

HAWAII ADMINISTRATIVE RULES

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS

CHAPTER 101

WEIGHING AND MEASURING DEVICES

- §4-101-1 Specifications and tolerances; requirements
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Historical note: This chapter is based substantially on chapter 4-102, entitled "General Code"; chapter 4-103, entitled "Scales"; chapter 4-106, entitled "Retail Dispensing of Liquid Petroleum Products"; chapter 4-107, entitled "Vehicle Tank Meters for Petroleum Products"; chapter 4-108, entitled "Loading Rack and In-Line Meters for Petroleum Products, Liquid at Atmospheric Pressure"; chapter 4-110, entitled "Milk Bottles"; chapter 4-111, entitled "Odometers"; chapter 4-112, entitled "Taximeters"; chapter 4-113, entitled "Timing Devices"; chapter 4-114, entitled "Linear Measures"; chapter 4-115, entitled "Wire and Cordage Measuring Devices"; chapter 4-116, entitled "Fabric Measuring Devices"; chapter 4-117, entitled "Dry Measures"; chapter 4-118, entitled "Graduates"; chapter 4-119, entitled "Measure Containers"; chapter 4-120, entitled "Farm Milk Tanks"; chapter 4-121, entitled "Liquid Measures"; chapter 4-122, entitled "Water Meters"; chapter 4-123, entitled "Cryogenic Liquid-Measuring Devices"; chapter 4-124, entitled "Belt Conveyor Scales"; chapter 4-125, entitled "General Table of Measures," of the Division of Measurement Standards. [Eff. 12/26/81, R 8/21/93]

§4-101-1 Specifications and tolerances; requirements. The National Institute of Standards and Technology handbook, entitled "NIST Handbook 44, 1993, Specifications, Tolerances, and Other Technical Requirements for Weighing
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and Measuring Devices," hereinafter referred to as "NIST handbook 44" is hereby adopted for use by the division of measurement standards as the specifications, tolerances, and other technical requirements applicable to weighing and measuring devices subject to this chapter. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-75, 486-105, 486-106, 486-107, 486-108, 486-109)

§4-101-2 Weighing and measuring devices; requirements. (a) This section applies to any person or government agency using a weighing or measuring device in:

- (1) Determining the measurement of commodities or items bought or sold, or offered or exposed for sale, on the basis of measure;
- (2) Computing the basic charge or payment, including taxes, for services rendered on the basis of measure;
- (3) Determining measurement when a charge is made for such determination; or
- (4) Official government use for the enforcement of laws or for the collection of revenues, fees, or statistical information.

(b) Any person or government agency performing any of the functions enumerated in subsection 4-101-2(a) shall ensure that the following requirements are met:

- (1) The weighing or measuring device shall have had its type evaluated and shall have been issued a certificate of conformance by the National Institute of Standards and Technology, except that devices licensed and in use in the State before the effective date of this chapter shall be exempt from this requirement;
- (2) The weighing or measuring device shall be submitted or made available for inspection and testing upon demand and as often as deemed necessary by the administrator or the administrator's designee. In the case of taximeters and odometers, the owner of the vehicle with the installed measuring device or the owner's designee shall present the vehicle with the installed device for testing at a time and place specified by the administrator or the administrator's designee;
- (3) The weighing or measuring device shall have been inspected, tested and approved for use by an inspector, as defined in chapter 486, HRS, or a service person registered by the state in accordance with chapter 4-87, Hawaii Administrative Rules, prior to being placed in service. A weighing or measuring device is considered approved if after inspection and testing, it is found to meet all of the applicable

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requirements of NIST handbook 44, including but not limited to

installation and user requirements;

- (4) The weighing and measuring device shall be currently licensed by the administrator. Upon introduction of the device into service, the owner or the owner's designee shall make an application for a license. In order for a device to be licensed, it must meet the requirements of subsections 4-101-2(b)(1) through 4-101-2(b)(3) and, in addition, a license fee must be paid as specified in chapter 4-96, Hawaii Administrative Rules. The license is valid for a period of one year or fraction thereof. After initial introduction, the license fee must be paid annually in order for the license to remain in effect;
- (5) Any official seal, tag, or mark affixed by an inspector or a registered service agency shall not be removed, obliterated, or covered and shall be readily visible; and
- (6) The weighing or measuring device shall be operated in a manner such that measurements that are made are accurate and conform to all applicable laws.

(c) Government agencies shall be exempt from subsection 4-101-2(b)(4). [Eff. 8/21/93] (Auth: §486-7) (Imp: HRS §§486-75, 486-105, 486-106, 486-107, 486-108, 486-109)

§4-101-3 Taximeters; position and illumination. (a) Subsection UR.2., entitled "Position and Illumination of Taximeter," of section 5.54, entitled "Taximeters," of NIST handbook 44 is amended to read: A taximeter shall be so positioned, secured, and illuminated that its indications, operational markings, and controls of passenger interest can be conveniently read by a passenger seated in the back seat of the vehicle. A taximeter shall be mounted either:

- (1) Directly on the top of the dashboard, in an area to the passenger side of the steering wheel beginning with a vertical plane, measured six inches from the outermost part of the steering wheel, and extending to not less than six inches from the end of the dashboard on the passenger side; or
- (2) With the entire digital fare readout not more than six inches below a horizontal plane extending from the highest point of the dashboard, and in an area beginning from a vertical plane six inches to the passenger side of the outermost part of the steering wheel and extending to not less than six inches from the end of the dashboard on the passenger side.

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- (b) These requirements shall apply to all taximeters, newly installed after the

effective date of this rule, and shall become effective for all currently installed taximeters one year after the effective date of this rule. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §§486-107, 486-108, 486-109)

§4-101-4 Wheel-load weighers, portable axle-load weighers, and axle-load scales; restricted use. Use of wheel-load weighers, portable axle-load weighers, and axle-load scales shall be permitted only for official use by government agencies in the enforcement of traffic and highway laws and in the collection of statistical information. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-108)

§4-101-5 Violations. Any person who fails to perform any of the actions required by this chapter, or who uses a weighing or measuring device or a measurement standard in any manner which does not comply with the requirements of this chapter shall be in violation of this chapter. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: §§486-32, 486-33, 486-36, 486-53, 486-87)

§4-101-6 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder and, to this end, the provisions of this chapter are severable. [Eff. 8/21/93] (Auth: HRS §486-7) (Imp: HRS §486-37)