

HAWAII ADMINISTRATIVE RULES

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS

CHAPTER 89

MEASUREMASTERS

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Historical note: This chapter is based substantially on chapter 4-88, entitled "Measuremaster Duties, Bulk Quantity Determinations, Documentation, Deliveries, Equipment, Licensing, Allied Requirements and Violations" of the Division of Measurement Standards [Eff. 12/26/81, R 8/21/93]

§4-89-1 Applicability. This chapter applies to any person who engages in public weighing. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-133)

§4-89-2 Definitions. As used in this chapter:
"Certificate" means a certificate of measure, issued in compliance with chapter 486, HRS.

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[Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §§486-131, 486-132, 486-133, 486-134, 486-135, 486-136, 486-137)

§4-89-3 Qualifications for measuremaster. Authorization to act as a public measuremaster shall be issued by the administrator in the form of a license. To qualify for a license, a person must:

- (1) Be able to weigh or measure accurately;
- (2) Be able to execute certificates correctly; and
- (3) Have reached the age of majority.

[Eff. 8/21/93] (Auth: HRS §§486-7; 486-132) (Imp: HRS §§486-133, 486-134, 486-135)

§4-89-4 License application; evaluation of qualifications of applicants. Using a form provided by the administrator, the applicant for a license as a public measuremaster shall furnish evidence that the applicant has the qualifications required by section 4-89-3. The administrator shall determine the qualifications of the applicant based on:

- (1) The information provided on the application;
- (2) Supplementary information, if needed, as determined by the administrator; and
- (3) Results of an examination that shows the applicant has the requisite knowledge to perform the duties of a measuremaster in accordance with this chapter. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §§486-133, 486-134, 486-135)

§4-89-5 License fee required; period of validity. Before the issuance of a new license or renewal of a license as a measuremaster, a license fee must be paid to the administrator.

- (1) For a renewed license, the annual fee shall be \$100 and the period of validity shall be from July 1 to midnight of the following June 30. Failure to remit the renewal fee shall result in forfeiture of the measuremaster's license as of midnight on June 30. A forfeited license may be reinstated upon payment of the fee, if the fee is paid within two years of the date of forfeiture. After two years, the person must reapply for a new license in accordance with §4-89-4.
- (2) For a newly issued license, the fee shall be as follows:

- (A) If the license is issued during the period from July 1 through September 30, the fee shall be \$100.
- (B) If the license is issued during the period from October 1 through December 31, the fee shall be \$75.
- (C) If the license is issued during the period from January 1 through March 31, the fee shall be \$50.
- (D) If the license is issued during the period from April 1 through June 30, the fee shall be \$25.

For a newly issued license, the period of validity shall be from the date that the license fee is paid until midnight of the following June 30.

- (3) Any existing measuremaster license that is valid on the effective date of this chapter shall remain valid until the next renewal date.

License fees are non-refundable and non-transferable. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-6 Exemptions from licensing and fee requirements. (a) Division of measurement standards personnel are exempt from the licensing and fee requirements of this chapter.

(b) The administrator may exempt from the license fee and annual renewal fee employees of the state who, in all other aspects, comply with the provisions of this chapter and who, within the scope of their government employment, are required to perform the functions or duties of a measuremaster. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §§486-132, 486-134)

§4-89-7 Display of measuremaster license upon request. A measuremaster's license shall be available for display upon demand by an inspector or any person who is a recipient or prospective recipient of services performed by the measuremaster. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-8 Measurement practices; equipment used. (a) A measuremaster shall use measurement practices and equipment that are in compliance with chapter 4-101, Hawaii Administrative Rules.

(b) A measuremaster shall not weigh a vehicle or combination of vehicles when part of the vehicle or connected combination is not resting fully, completely,

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and as one entire unit on the scale. When weighing a combination of vehicles that will not rest fully, completely, and as one complete unit on the scale platform,

- (1) The combination shall be disconnected and weighed in single drafts; and
- (2) The weights of the single drafts may be combined in order to issue a single certificate for the combination, provided that the certificate indicates that the total represents a combination of single draft weighings. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-9 Certificate; required entries. The information to be furnished on a certificate of measure shall include the following:

- (1) The name and license number of the measuremaster;
- (2) The kind of commodity weighed, measured, or counted;
- (3) The name of the owner, agent, or consignee of the commodity;
- (4) The name of the recipient of the commodity, if applicable;
- (5) The date the certificate is issued;
- (6) The consecutive number of the certificate;
- (7) The identification, including the identification number, if any, of the carrier transporting the commodity, and the identification number or license number of the vehicle;
- (8) Other information needed to distinguish or identify the commodity from a like kind;
- (9) The number of units of the commodity, if applicable;
- (10) The measure of the commodity, if applicable;
- (11) The weight of the commodity and the vehicle or container, if applicable, broken down as follows:
 - (A) The gross weight of the commodity and the associated vehicle or container;
 - (B) The tare weight of the unladen vehicle or container; or
 - (C) Both the gross and tare weight, and the resultant net weight of the commodity;
- (12) The signature of the measuremaster who determined the weight, measure, or count; and
- (13) A statement to the effect that the measurement was performed by a measuremaster licensed by the State of Hawaii. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-10 Certificate; execution, requirements. (a) When filling out a certificate, a measuremaster shall:

- (1) Enter the measurement values to clearly show that the measurements were actually determined; and
- (2) Enter only the measurement values personally determined.

(b) If the certificate provides for entries of gross, tare, or net, the measuremaster shall:

- (1) Strike out or otherwise cancel the printed entries for the value not determined; or
- (2) Enter the scale and date on which the values were determined on the certificate if the values were not determined on the same scale or on the same date shown on the certificate. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-11 Copies of certificates. (a) One copy of the certificate of measure shall be given to the person who is the recipient of the measurement services.

(b) A public measuremaster shall keep and preserve a legible copy of each certificate issued for six months after the date of the certificate. In the case of a computerized system that automatically records the information required to be on a certificate or that is directly entered from a keyboard or other input device, the computer log or file shall be kept for six months after the date of the certificate. The certificates, log, or file shall be available for inspection by the administrator or the administrator's designee during normal office hours. [Eff. 8/21/93] (Auth: HRS §§486-7, 486-132) (Imp: HRS §486-132)

§4-89-12 Violations. Any person who engages in a practice 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: HRS §§486-32, 486-33, 486-36, 486-53, 486-136)

§4-89-13 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, 486-132) (Imp: HRS §486-132)