

## Advisory on Out-of-State Manufacturers/Suppliers and Off-Site Calibrated Devices

### History:

As of May 1, 2003, MDARD's Weights and Measures Program began enforcing all requirements as stated in P.A. 283 of 1964 as amended, the Michigan Weights and Measures Act, related to the "*Voluntary Registration of Service Agencies and Personnel.*" Several out-of-state manufacturers of weighing and measuring devices have continued to ship devices calibrated by persons not "registered" under the Weights and Measures Act into the state. Several operators have indicated that they had been misinformed at the time of purchase, and may have incorrectly assumed these devices were "legally prepared" for immediate commercial use. Operators are hereby reminded that such devices are **NOT** considered to be legal under the Weights and Measures Act, and the operators of such devices for commercial trade may be found in violation of the statute.

### New Installations:

The following applies to all commercial weighing and measuring devices being placed into service for the first time within the State of Michigan:

- All commercial weighing and measuring devices intended for use within the State of Michigan, must, prior to use, be tested and approved by either a Michigan Registered Service Person or by an Official of the Michigan Weights and Measures Program.

NOTE: Devices manufactured and/or installed by service persons not registered with the State of Michigan and found to be in commercial use, are considered to be in violation of the Weights and Measures Act.

- Upon completion of the initial setup, **ALL** new devices must be properly tested **onsite** where positioned.

NOTE: Metering devices designed to be mounted on vehicles may be tested at the site of manufacture, provided the manufacturer and calibration technicians are registered with the MDARD Michigan Weights and Measures Program.

- All devices placed into service must be tested with proper and sufficient standards prior to any commercial use, and a properly completed "Place in Service Report" submitted.

NOTE: Michigan Registered Service Personnel who place a weighing or measuring device into service, without conducting on-site testing with the use of proper and sufficient standards are in violation of the Weights and Measures Act, Section 9b(10d)(10f). Any person so doing is subject to suspension or revocation of their Michigan Registration, as well as applicable criminal penalties.

### Hanging Scale Exception:

As stated above, all weighing and measures devices intended for commercial use are to be installed and tested by a Michigan Registered Service Person in the place in which

they are to be used. The **sole** exception to this rule involves "hanging" portable scales used to sell fruits and vegetables at open-air farm markets. As these devices are designed for mobile use, and are most frequently used for short periods of time before being relocated to another site, the following policy will apply:

- A hanging scale can be placed into commercial use if it is certified off-site and shipped to the user by a Michigan Registered Service Agency. This does not relinquish the owner/operator from any responsibilities of maintaining the accuracy of the device or its proper use, nor does it relieve the Michigan Registered Service Agency from submitting the required "Place in Service Report" and the accompanying test report(s). This policy does not apply to any other device(s).