

CHAPTER 69-10-02 SCALES

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69-10-02-01. Livestock scales - Specifications.

A commercial livestock scale must be equipped with a type registering print device, and the value of the minimum graduated interval must not be greater than five pounds [2.27 kilograms], provided, however, that for scale capacities in excess of fifty thousand pounds [22679.6 kilograms] the scale may indicate and record in ten-pound [4.54-kilogram] divisions. A scale rack on a livestock scale must be securely mounted on the scale platform, with adequate clearance between the outside of the rack and other obstructions. The steel yard or beam rod must be connected directly to the transverse lever.

History: Amended effective July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-02. Livestock scales - Installation.

All livestock scales must be installed so as to permit ready access for large capacity testing equipment. At the one end of a livestock scale there must be a straight concrete approach the full width of the scale platform, in the same plane as the scale platform and equal in length to the width of the scale platform in order to provide a clean and level area for the purpose of unloading test weights used in testing the scale. Provisions must be made to allow the test truck to back up to the approach by

providing an entrance of adequate height and width to enable the test truck to be reasonably level when weights are unloaded. A livestock scale newly constructed after July 1, 1993, must have a minimum entrance and approach width and height of twelve feet [3.66 meters].

A livestock ring scale constructed after January 1, 1998, must have an approach that is level with the scale platform and at least twenty-eight feet [8.53 meters] in length and ten feet [3.05 meters] in width.

History: Amended effective August 1, 1993; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-02.1. Livestock scales - Certification.

All livestock scales under the jurisdiction of the federal packers and stockyards administration must be certified once every six months. A scale must be certified by a registered service person.

History: Effective August 1, 1993; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-03. Twister head extensions.

The twister head extensions cannot be used under any conditions in the installation of motor truck, motor truck dump, or livestock scales. Extension levers used on motor truck, livestock, or motor dump truck scales must be securely anchored to or suspended from concrete of the neck or walls of the scale pit.

History: Amended effective August 1, 1993.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-04. Steel yard rod.

The steel yard rod connecting the weighbeam to the transverse lever on all scales must be installed or shielded to prevent interference.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-05. Portable pitless scales and portable hopper scales.

A self-contained portable pitless scale and a self-contained portable hopper scale used solely to weigh materials used for government highway construction are exempt from the provisions of this article. Installation and operation of a self-contained portable pitless scale and a self-contained portable hopper scale for commercial use without a variance permit from the commission is prohibited.

History: Amended effective April 1, 1984; August 1, 1993; September 1, 1994; February 1, 1996; July 1, 1997; July 1, 2008.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-05.1. Fixed pitless scales - Foundation.

A fixed pitless scale foundation may be either a pier foundation or floating slab foundation and installed as follows:

1. A pier foundation must:

- a. Maintain at least ten inches [254 millimeters] of clearance between the "I" beam and the slab along the entire length and width of the scale;
 - b. Have piers that extend below the frostline;
 - c. Be installed to manufacturer's specifications to support the device, prevent shifting, and provide protection from the environment;
 - d. Include a reinforced concrete washout slab poured independently of the load bearing piers, a minimum four inches [101.6 millimeters] thick, poured underneath the entire length and width of the scale; and
 - e. Be installed to ensure that surface water will drain away from the scale area.
2. A concrete floating slab foundation must:
- a. Maintain at least ten inches [254 millimeters] of clearance between the "I" beam and the slab along the entire length and width of the scale;
 - b. Be constructed on soil that has a uniform natural or engineered soil bearing of at least one thousand five hundred pounds per square foot [71.82 kilopascals];
 - c. Be supported on a monolithic, steel-reinforced, concrete slab a minimum of twelve inches [304.8 millimeters] thick poured on top of a base of uniform, compacted, permeable aggregate, at least twenty-four inches [609.6 millimeters] deep;
 - d. Be installed to manufacturer's specifications to support the device, prevent shifting, and provide protection from the environment; and
 - e. Be installed with the top surface of the foundation slab above the surrounding grade level so that water will flow away from the foundation and away from the permeable aggregate base that supports the foundation.

History: Effective August 1, 1993; amended effective September 1, 1994; February 1, 1996; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-06. Clearances - Drainage - Pit entrances.

Motor truck, motor truck dump, railway track, and livestock scales, other than fixed pitless scales, regardless of capacity, must have a clearance of not less than four feet [12.19 decimeters] from the finished floorline of the scale pit to the bottom of the "I" beam of the scale bridge. A five-eighths-inch [15.88-millimeter] clearance must be provided between the live deck and the pit coping. A "crushing strip" or "rock guard" must be installed in the event a concrete deck is installed on a scale; wood decks must be undercut around deck to prevent foreign material from lodging between deck and coping. Scale pits must be kept reasonably clean and dry at all times, and adequate drainage must be provided. Convenient entrances to the scale pit must be provided for the purpose of inspecting and cleaning.

History: Amended effective August 1, 1993; September 1, 1994; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-07. Foundation and supports.

The foundation and supports of any scale installed in a fixed position must consist of reinforced concrete of sufficient strength to ensure rigidity and permanence. The fulcrum stands for the levers or

the load cells of large capacity scales must be installed on level piers with a minimum of grouting. All footings must be of adequate depth to extend below the frostline.

History: Amended effective August 1, 1993; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-08. Deviations from manufacturer's design.

Repealed effective July 1, 2008.

69-10-02-09. Deck lengths.

1. A motor truck or motor truck dump scale installed and operational before January 1, 1995, must have at least twelve feet [3.66 meters] or a distance equal to one-third of deck length, whichever is greater, of straight driveway on either end of the scale deck not over one-third inch [8.47 millimeters] per foot [30.48 centimeters] out of level with the platform. The first twelve feet [3.66 meters] from the scale must be of a hard surface (concrete or asphalt). An inside scale must measure a minimum of four feet [1.22 meters] of metal, wood, asphalt, or reinforced concrete between the scale deck and the inside of the doorsill at both ends of the scale.
2. A motor truck or motor truck dump scale installed on or after January 1, 1995, must have at least twelve feet [3.66 meters] or a distance equal to one-third of deck length, whichever is greater, of straight approaches beginning in a level plane with the surface of the scale deck. The slope of the approaches away from the scale deck may not exceed one-third inch [8.47 millimeters] per foot [30.48 centimeters]. The first twelve feet [3.66 meters] of approach from the scale must be of metal or concrete. An inside scale must measure a minimum of five feet [1.52 meters] of reinforced concrete between the scale deck and the inside of the doorsill at both ends of the scale. However, grating of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale may be installed on either end of that inside scale.

History: Amended effective September 1, 1994; February 1, 1996.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-10. Indicating and printing elements.

A beam-type or dial-type indicating element must be installed in a level and plumb position, mounted on concrete piers, or on a concrete slab, and fastened securely to the concrete walls or neck of the scale pit. These mechanical indicating element foundations must be independent of the scalehouse floor, weighing room, or other similar structures. The installation of a dial must allow for adequate clearance for service between the cabinet of the dial and the wall. Motor truck, motor truck dump, railroad track, and livestock scales installed after July 1, 1973, and used in commerce, must be equipped with a ticket printing device with a copy of the printed receipt issued to the customer at the time of the delivery. Notwithstanding the above, for a scale installed prior to July 1, 1973, equipped with any type of ticket printing capability, its operator must use that ticket printing capability for all sales, with a copy of the printed ticket to be issued to the customer at the time of the delivery. A shoulder or stop must be provided on each weighbeam bar to prevent the poise from traveling and remaining behind the zero graduation. An indicating or printing element must be adequately protected against environmental damage.

History: Amended effective August 1, 1993; September 1, 1994; February 1, 1996; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-11. Limits established by factory-rated scale capacity.

Repealed effective July 1, 2008.

69-10-02-12. Observation windows, video cameras, or photoelectric eyes.

1. Windows must be provided and must be located in such a position and manner so that the scale operator has full view of the scale platform and weighing operation, including the front, back, and one side of the vehicle being weighed from the scale operator's working position, and that the weighman and indicating elements are clearly visible to interested parties.
2. Video cameras may be substituted for windows if the substitution does not diminish the view for either the scale operator or other interested parties. However, installations that exceed two hundred feet [61 meters] from the main indicating element must be equipped with two-way audio communication and remote or video display of weight indication.
3. Photoelectric eyes or similar devices that are electronically interlocked with the weighing system and positioned such that a vehicle must be entirely on or off a scale prior to a weight being recorded, may be used for unattended scale applications. If the photoelectric eye or similar device is the sole source for vehicle placement verification and is not operational, the scale may not be used.

History: Amended effective August 1, 1993; September 1, 1994; July 1, 2008; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-13. Inspection and testing accessibility.

Repealed effective May 1, 2005.

69-10-02-14. Assisting inspector.

Repealed effective August 1, 1993.

69-10-02-15. Counter computing scales.

Repealed effective August 1, 2000.

69-10-02-16. Automatic bulk-loading systems - Receiving.

A commercial automatic bulk-loading system used for receiving grain may not be commercially operated without first receiving a variance permit from the commission. Before receiving any grain through an automatic bulk-weighing system, a certified commercial truck scale must be made available to the seller for optional check weighing.

History: Effective September 1, 1994; amended effective July 1, 2008.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-17. Coal belt conveyor scales jurisdictional - Exemption.

Coal belt conveyor scales not used for coal sales to the general public, or not used for the sale of coal on behalf of leasehold interests, are exempt from the provisions of this article.

History: Effective September 1, 1994; amended effective January 1, 2002.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-03-07

69-10-02-18. Concrete hopper scales - Exemption.

A concrete hopper scale that is used for measuring a finished concrete product that is sold by a measurement other than weight, even though the quality of its composition (cement, sand, aggregate, and water) is determined by weight, shall be defined as a "batching scale" and is exempt from the provisions of this article.

History: Effective September 1, 1994; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-18.1. Exemptions from testing.

Grain moisture testing meters, jewelers' scales, prescription scales, and postal scales used by the United States postal service, including scales at a location identified as a contract postal unit, are exempt from the provisions of this article.

History: Effective January 1, 2002; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-19. Single-draft weighing - Exceptions.

It is unlawful to weigh a vehicle or a combination vehicle in any method other than the single-draft method, as outlined in the NIST Handbook No. 44, section 2.20. scales, UR.3.3., Single-draft Vehicle Weighing, except for the following:

1. When the sale of the commodity being weighed is determined by destination weight;
2. For a motor truck or motor truck dump scale installed prior to April 1, 1965; or
3. For a motor truck or motor truck dump scale installed after April 1, 1965, provided a split-weight variance permit has first been granted by the commission under section 69-10-01-04.2, and the parties involved have complied with section 69-10-02-20 prior to split-weighing.

History: Effective February 1, 1996; amended effective August 1, 2000; July 1, 2008; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-20. Split-weight agreements.

Upon approval by the commission of a variance permit allowing split-weighing, and before an individual customer is split-weighed, an approved split-weight agreement form must be signed by both the business and that customer, and kept on file at the place where the split-weighing occurs.

History: Effective February 1, 1996; amended effective July 1, 2008.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-21. Shift test - Load-bearing and section testing.

After January 1, 1996, all motor truck, motor truck dump, and railroad track/truck combination scales must be load-bearing and section tested. The load-bearing test must be conducted with a minimum standard of the lesser value of either ten thousand pounds [4535.9 kilograms] or one-quarter the device capacity in test weights, with the test weights centered, as nearly as possible, successively

over each main load support. Section testing must be conducted with a minimum standard of either twenty thousand pounds [9071.8 kilograms] or one-half the device capacity in test weights, with the test weights centered, as nearly as possible, successively at the center of each quarter of the load receiving element. Applicable tolerances from NIST Handbook No. 44, scale section, T.N.3.1. and T.N.3.2., must be applied to the amount of test load used.

History: Effective February 1, 1996; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-22. Sensitivity response.

The sensitivity response of a motor truck or motor truck dump scale designed with a division size of five pounds [2.27 kilograms] and without a balance indicator may not exceed four scale divisions.

History: Effective October 1, 1999.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-23. Stored tare weight.

A stored tare weight across a motor truck or motor truck dump scale may not be used for more than one commercial transaction.

History: Effective January 1, 2002.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-02-24. Electronic scale data storage and retrieval.

Computer programming installed on commercial scales after January 1, 2002, enabling the electronic recording or storage of scale weight must conform to the following:

1. If more than one scale is interfaced, the system must store the identity of the scale which originated the weight and all printed data must identify the scale which originated the weight;
2. Any weight which is manually entered must be identified as manually entered on all recorded weights;
3. All recorded weights must match actual scale-weight indications;
4. All recalled weights must match stored weights;
5. Stored weight must have a recorded audit trail on a dedicated line printer in a continuous format which includes an "S" indicating that it is a stored weight; a sequential reference number; a scale identifier number; a unique reference number to enable the recall of that stored weight; and the stored weight;
6. Any stored weight which is recalled must be immediately printed on a scale ticket with the following information: an "R" indicating that it is a recalled weight; the unique reference number identified in subsection 5; and the recalled weight;
7. After the transaction is completed, the recalled weight must be automatically deleted from the recalled weights data file;
8. Computer computations such as rounding off and truncation must be programmed so that the computations do not result in the degradation of the accuracy of the scale tolerance by more than one-half of one scale division; and

9. Programming must ensure all essential data is properly entered and stored before issuing a weight ticket.

History: Effective January 1, 2002; amended effective May 1, 2005; July 1, 2008.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-02-25. Law enforcement scales - Exemption.

Axle load scales or portable wheel load scales used to enforce load limit restrictions are exempt from the provisions of this article.

History: Effective May 1, 2005; amended effective July 1, 2008; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-02-26. Hoppers scale design requirements.

The owner of a commercial hopper scale shall provide a bracket or lifting arms able to utilize a hand-operated chain hoist that will facilitate testing with five hundred pounds [226.80 kilograms] or larger test weights. The brackets or lifting arms must be of sufficient strength for the intended load and permanently and legibly marked with a maximum load rating.

All commercial hopper scales, newly constructed and placed into service after the effective date of this rule, must have a minimum of three feet [.91 meter] of unobstructed clearance on all four sides to facilitate testing with large weights.

Notwithstanding the provisions of this section, automatic bulk-weighing systems with integral standards, overhead hopper scales accessible underneath, and hopper scales with capacities of five thousand pounds [2267.96 kilograms] or less are exempt from this requirement.

History: Effective July 1, 2008.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-27. Medical marijuana scales - Requirements.

Scales used in the packaging and sale of medical marijuana in quantities of one ounce [28.35 grams] or less must be an NTEP class I or II scale with a scale verification division of one one-hundredths of a gram or less.

History: Effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13