

CHAPTER 69-10-03 STANDARDS

Section

- 69-10-03-01 National Institute of Standards and Technology (NIST) Handbook No. 44
- 69-10-03-01.1 National Institute of Standards and Technology (NIST) Handbook No. 44 - NTEP - Exceptions
- 69-10-03-01.2 National Institute of Standards and Technology (NIST) Handbook No. 105-1 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Class F Field Standard Weights
- 69-10-03-01.3 National Institute of Standards and Technology (NIST) Handbook No. 105-3 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Graduated Neck-Type Volumetric Field Standards
- 69-10-03-01.4 National Institute of Standards and Technology (NIST) Handbook No. 105-4 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers
- 69-10-03-01.5 National Institute of Standards and Technology (NIST) Handbook No. 105-2 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Field Standard Measuring Flasks
- 69-10-03-01.6 National Institute of Standards and Technology (NIST) Handbook No. 105-7 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Dynamic Small-Volume Provers
- 69-10-03-01.7 National Institute of Standards and Technology (NIST) Handbook No. 105-8 - Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures - Specifications and Tolerances for Field Standard Weight Carts
- 69-10-03-02 Adequate Standards
- 69-10-03-03 Master Test Weights and Prover Tanks [Repealed]
- 69-10-03-04 Enforcement [Repealed]
- 69-10-03-05 Weight Carts [Repealed]
- 69-10-03-06 Metrology Service [Repealed]
- 69-10-03-07 Delivery of Standards for Certification [Repealed]
- 69-10-03-08 Rejection of Standards

69-10-03-01. National institute of standards and technology (NIST) Handbook No. 44.

Except as modified in this article, the specifications, tolerances, tests, and other technical requirements for commercial weighing and measuring devices in North Dakota must conform to the following sections and subsections of the 2020 edition of the United States department of commerce, NIST Handbook No. 44, which is adopted by reference: all of section 1, section 2 (except subsection 2.245), all of section 3 (except subsections 3.34, 3.36, 3.38, and 3.39). In the event of a conflict between the NIST Handbook No. 44 and North Dakota laws and rules, North Dakota laws and rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Amended effective October 1, 1988; December 1, 1990; February 1, 1992; August 1, 1993; September 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; October 1, 1999; August 1, 2000; January 1, 2002; May 1, 2005; January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-07

69-10-03-01.1. National institute of standards and technology (NIST) Handbook No. 44.

National type evaluation program certification is required for design, sale, installation, operation, and certification of a commercial weighing and measuring device. A commercial weighing and measuring device used in commerce prior to January 1, 2021, is exempt from national type evaluation program requirements provided the device is certified in accordance with section 69-10-01-02.3.

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

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-03-01.2. National institute of standards and technology (NIST) Handbook No. 105-1 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for class f field standard weights.

The specifications, tolerances, and other technical requirements for reference standards and field standards used for testing commercial weighing and measuring devices in North Dakota must conform to the sections and subsections of the 2019 edition of the United States department of commerce, NIST Handbook No. 105-1, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective March 1, 2003 amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-01.3. National institute of standards and technology (NIST) Handbook No. 105-3 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for graduated neck-type volumetric field standards.

The specifications, tolerances, and other technical requirements for reference standards and field standards used for testing commercial measuring devices in North Dakota must conform to the sections and subsections of the 2010 edition of the United States department of commerce, NIST Handbook No. 105-3, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective March 1, 2003; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-01.4. National institute of standards and technology (NIST) Handbook No. 105-4 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for liquefied petroleum gas and anhydrous ammonia liquid volumetric provers.

The specifications, tolerances, and other technical requirements for reference standards and field standards used for testing commercial liquefied petroleum gas and anhydrous ammonia liquid measuring devices in North Dakota must conform to the sections and subsections of the 2016 edition of the United States department of commerce, NIST Handbook No. 105-4, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective March 1, 2003; amended effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-01.5. National institute of standards and technology (NIST) Handbook No. 105-2 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for field standard measuring flasks.

The specifications, tolerances, and other technical requirements for reference standards and field standards used for testing commercial manufacturers and distributors of liquid products, research and testing laboratories, and others concerned with accurate measurements of the volume of liquids in North Dakota must conform to the sections and subsections of the 1996 edition of the United States department of commerce, NIST Handbook No. 105-2, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-01.6. National institute of standards and technology (NIST) Handbook No. 105-7 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for dynamic small-volume provers.

The specifications, tolerances, and other technical requirements for reference standards and field standards used for testing or verification of commercial liquid measurement devices in an operational line for compliance with the requirements of commercial device requirements without interrupting normal process flow in North Dakota must conform to the sections and subsections of the 1997 edition of the United States department of commerce, NIST Handbook No. 105-7, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-01.7. National institute of standards and technology (NIST) Handbook No. 105-8 - Specifications and tolerances for reference standards and field standard weights and measures - Specifications and tolerances for field standard weight carts.

The specifications, tolerances, and other technical requirements for reference standards and field standard weight carts used for testing commercial weighing devices in North Dakota must conform to the sections and subsections of the 2019 edition of the United States department of commerce, NIST Handbook No. 105-8, which is adopted by reference. In the event of a conflict, North Dakota laws and other administrative rules shall prevail. Copies of the handbook may be obtained from:

Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

History: Effective January 1, 2021.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-03

69-10-03-02. Adequate standards.

A standard used to certify any commercial weighing and measuring device must be annually certified as traceable by an NIST-recognized metrology laboratory. The commission may extend the recertification interval an additional ninety days provided that the request is made thirty days before the certification expires.

A current legible copy of the certificate of traceability must be maintained with the commission.

Annual recertification is subject to the following exceptions and conditions:

1. Standards integral to and used for recertification of a commercial automatic bulk-weighing system must be certified traceable by an NIST-recognized laboratory at least once every five years.
2. Volumetric graduated neck and dynamic small volume provers used to certify commercial loading-rack, processing plant, or refinery meters used for petroleum-based products must be certified traceable by an NIST-recognized laboratory at least once every three years.
3. Unless otherwise approved by the commission, the operator of a coal belt conveyor scale jurisdictional to the commission must conduct a material load test at least once every two years provided that electronic or other simulated load testing is done at least once every three months.
4. A master meter may not be used as a standard to certify commercial liquid petroleum gas devices.
5. Notwithstanding the other provisions of this section, the commission may require recertification of any standard if upon inspection the physical condition of a standard indicates a need for recertification.

History: Amended effective April 1, 1992; September 1, 1994; February 1, 1996; July 1, 1997; July 1, 2008; October 1, 2010; January 1, 2021.

General Authority: NDCC 64-02-03

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

69-10-03-03. Master test weights and prover tanks.

Repealed effective April 1, 1992.

69-10-03-04. Enforcement.

Repealed effective May 1, 2005.

69-10-03-05. Weight carts.

Repealed effective October 1, 2010.

69-10-03-06. Metrology service.

Repealed effective October 1, 2010.

69-10-03-07. Delivery of standards for certification.

Repealed effective October 1, 2010.

69-10-03-08. Rejection of standards.

Standards rejected by a NIST-recognized laboratory must be removed from service as follows:

1. A standard that has been rejected must be conspicuously marked by sealing, tagging, or painting as appropriate to that standard.
2. A rejected standard may not be used to test and certify a commercial weighing and measuring device. The use of a rejected standard may result in commission enforcement action.
3. A standard not meeting appropriate design criteria may be allowed to remain in service for a limited time, provided a variance permit is obtained from the commission prior to certification or recertification.

History: Effective May 1, 2005; amended effective July 1, 2008; October 1, 2010.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02