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STATE OF WISCONSIN)
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DEPARTMENT OF AGRICULTURE,) ss.
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TRADE AND CONSUMER PROTECTION)

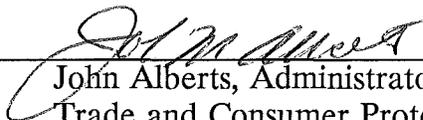
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John Alberts, Administrator, Trade and Consumer Protection Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order repealing chapters Ag 51 and Ag 120; renumbering Ag 115 (title), Ag 115.01, Ag 115.02 (title) and (2), and Ag 115.03; renumbering and amending Ag 115.02(1) and Ag 115.04; and repealing and recreating chapter Ag 52, Wisconsin Administrative Code, relating to weighing and measuring devices was duly approved and adopted by the Department on November 13, 1991.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 13th day of November, 1991.





John Alberts, Administrator
Trade and Consumer Protection Division

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ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING AND REPEALING RULES

The state of Wisconsin department of agriculture, trade and consumer protection adopts the following order to repeal chs. Ag 51 and Ag 120; to renumber Ag 115(title), Ag 115.01, Ag 115.02(title) and (2), and Ag 115.03; to renumber and amend Ag 115.02(1) and Ag 115.04; and to repeal and recreate ch. Ag 52; relating to weighing and measuring devices.

Analysis by the Department of Agriculture,
Trade and Consumer Protection

Statutory authority: ss. 93.07(1), 98.03(2) and 98.07(4), Stats.

Statutes interpreted: ss. 98.03(2), 98.07(1), 98.20, 98.25, and 98.26(1)(b) and (c)

This rule establishes specifications and tolerances for weighing and measuring devices used in commercial transactions in this state. Under this rule, except as otherwise provided, weighing and measuring devices must comply with the specifications, tolerances and other technical requirements set forth in the National Institute of Standards and Technology Handbook 44 (Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices).

This rule repeals current rules contained in ch. Ag 52, Wis. Adm. Code, related to grain moisture test devices. Under the rule, grain moisture test devices must instead comply with specifications and tolerances contained in NIST Handbook 44.

This rule consolidates certain other rules related to weighing and measuring devices into a single chapter. Current rules related to vehicle and livestock scales (ch. Ag 120), retail motor fuel measuring devices (ch. Ag 51) and liquified petroleum gas (Ag 115) are consolidated into a new ch. Ag 52, Wis. Adm. Code, related to weighing and measuring devices.

Current permit and construction requirements for vehicle and livestock scales are incorporated into the new ch. Ag 52 with minor changes. New requirements are specified for above-ground vehicle scales.

Current rules related to motor fuel measuring devices (Ag 51) are incorporated, without significant change, into the new ch. Ag 52. These current rules authorize the temporary use of penny wheel conversion devices and motor fuel half-pricing if retail pumps are not capable of computing and showing total delivered sale prices when the price per gallon exceeds \$0.999. The current rules also prescribe specifications and tolerances for these temporary devices to ensure accuracy and prevent deception. As older retail pumps are replaced, these temporary devices will no longer be needed. Therefore, under this rule, the current rules authorizing these temporary devices will be repealed effective January 1, 1999.

Current rules related to measurement of liquified petroleum gas (Ag 115) are incorporated without change into the new Ag 52.

SECTION 1. Chapter Ag 51 is repealed.

SECTION 2. Chapter Ag 52 is repealed and recreated to read:

CHAPTER Ag 52

WEIGHING AND MEASURING DEVICES

Ag 52.01 DEFINITIONS. In this chapter:

(1) "Computer head" means that portion of a motor fuel measuring device which automatically indicates the volume of fuel delivered and, at the applicable unit price, the total sale price of the motor fuel measured and delivered. This subsection does not apply after December 31, 1998.

(2) "Construction plan" means a set of detailed blueprints for the construction of a vehicle or livestock scale, including the construction of any scale pit, footings, base slabs, piers, end walls and approaches.

(3) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(4) "Livestock scale" means a scale designed to weigh livestock, but does not include a scale which is designed to weigh only one animal at a time.

(5) "Load receiving element" means that portion of a scale, such as a scale platform or deck, which receives the load to be weighed.

(6) "Motor fuel" means liquid used as fuel for internal combustion engines. This subsection does not apply after December 31, 1998.

(7) "Motor fuel half-pricing" means a method of computing the total selling price of motor fuel by setting the price per gallon on a motor fuel measuring device at one-half the per gallon selling price and, upon completion of delivery, multiplying the money amount of the total sale shown on the motor fuel measuring device by 2 in order to establish the total delivered price to be paid. This subsection does not apply after December 31, 1998.

(8) "Motor fuel measuring device" or "pump" means a device which measures and delivers motor fuel by definite volume and indicates automatically, at the applicable unit price, the total sale price of the motor fuel measured and delivered. This subsection does not apply after December 31, 1998.

(9) "Penny wheel conversion device" means any device used to modify the money value price computing range, in cents, of the

right hand or penny wheel of a computer head to enable the motor fuel measuring device to compute and show in dollars and cents the full sale price of delivered quantities of motor fuel when the unit price exceeds \$0.999 per gallon. "Penny wheel conversion device" includes adhesive conversion strips applied to the existing wheel, permanently imprinted substitute wheels, or any other devices used to modify money value graduations in cents per revolution of the penny wheel. This subsection does not apply after December 31, 1998.

(10) "Person" means an individual, corporation, partnership firm or association.

(11) "Pit neck" means that part of a scale pit, usually an extension of a scale pit wall, which encloses the end of the transverse lever of a lever-type weighing element, and which supports the indicating element.

(12) "Retail" or "retail sale" means the sale of motor fuel directly to the consumer for use other than resale or further manufacturing or processing. This subsection does not apply after December 31, 1998.

(13) "Scale service company" means a person engaged in the business of selling, servicing or installing scales.

(14) "Vehicle scale" means a scale designed to weigh loaded or unloaded highway, farm or industrial vehicles, and includes above-ground scales and portable scales. "Vehicle scale" does not include a scale used exclusively for highway construction if

use of the scale is supervised by the state of Wisconsin department of transportation.

(15) "Weighing element" means that portion of a scale that supports the load-receiving element and transmits to the indicating element a signal or force resulting from the load applied to the load-receiving element.

Ag 52.02 WEIGHING AND MEASURING DEVICES; GENERAL REQUIREMENTS. Except as provided in this chapter, commercial weighing and measuring devices shall comply with the specifications, tolerances and other technical requirements set forth in the current edition of the National Institute of Standards and Technology Handbook 44 (Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices).

NOTE: See s. 98.03(2), Stats. The current edition of the National Institute of Standards and Technology Handbook 44 (Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices) is on file with the department, the secretary of state and the revisor of statutes. Copies may be purchased from the U.S. government printing office, Washington DC 20402-9325.

Ag 52.03 VEHICLE AND LIVESTOCK SCALES. (1) PERMIT REQUIRED. No scale service company or other person may install or relocate a vehicle or livestock scale without a permit from the department. A permit application shall be made in writing on a form provided by the department, and shall include a construction plan. The department shall grant or deny a permit application within 20 business days after a complete application and construction plan are filed with the department.

(2) CONSTRUCTION PLAN. Instead of filing a separate construction plan with each permit application under sub. (1), an applicant may file a master construction plan which applies to 2 or more applications, and may refer to that master plan in each individual application. If a proposed installation or relocation entails any deviation from the master plan, the individual permit application shall clearly describe every deviation.

(3) CONSTRUCTION STANDARDS. Except as provided under sub. (6) or (8), every vehicle scale and every livestock scale shall comply with the following construction standards:

(a) Load-bearing piers. The main load-bearing piers supporting a scale shall be constructed of reinforced concrete. The main load-bearing piers shall be poured so that they are monolithic with the scale walls, or shall be tied to the walls with 1/2 inch (1.2 cm) reinforcing rods.

(b) Scale walls. 1. The walls of every scale shall be constructed of reinforced concrete. The side walls of every scale, other than a livestock scale constructed prior to the effective date of this chapter[Revisor inserts date], shall be not less than 12 inches (30 cm) thick. The end walls of every scale shall be not less than 16 inches (40 cm) thick, except that end walls of a livestock scale or above-ground scale shall be not less than 12 inches thick.

2. Throughout every scale wall, 1/2 inch (1.2 cm) reinforcing rods shall be placed vertically on no more than 12

inch (30 cm) centers, and horizontally on no more than 18 inch (45 cm) centers.

3. Each end wall of a vehicle scale shall be constructed with a step at the outer edge to provide support for a concrete approach. The step shall extend for the entire length of the end wall, and shall be at least 6 inches (15 cm) wide and 6 inches (15 cm) deep.

(c) Footings and slabs. 1. Load-bearing piers and scale walls shall rest on reinforced concrete footings which extend at least 12 inches (30 cm) below the frost line, or on a reinforced concrete base slab not less than 12 inches (30 cm) thick. Footings and slabs which support load-bearing piers or scale walls shall be constructed to withstand at least 3,000 lbs. per sq. ft. loading at pier locations, and shall also be constructed to prevent frost heaving.

2. Scale pit floors and surfaces underlying above-ground vehicle scales shall be constructed of concrete, and shall be constructed so that they are well drained. The concrete floor or surface shall extend the full length and width of the scale. This subdivision does not apply to above-ground scales constructed prior to the effective date of this chapter....[Revisor inserts date].

3. The concrete surface underlying an above-ground vehicle scale shall rest on a bed of washed gravel which is at least 12 inches (30 cm) thick under every portion of the concrete surface. The gravel shall be approximately 3/4 inch (1.8 cm) in diameter

and shall be compacted to 85% of its initial volume. This subdivision does not apply to above-ground scales constructed prior to the effective date of chapter....[Revisor inserts date].

(d) Top edge of scale wall. The top inside edge of every scale wall shall be framed, for its entire length, with a structural steel angle iron coping. The angle iron shall be at least 2 inches (5 cm) by 2 inches (5 cm) by 1/4 inch (.6 cm), and shall be constructed with welded projections so that it can be anchored in the concrete at approximately 4 foot (1.2 meter) intervals.

(e) Clearances around scales. 1. In every scale pit, there shall be a clearance of not less than 6 feet (1.8 meters) between the finished floor line of the scale pit and the top edge of the pit coping, or a clearance of not less than 48 inches (1.2 meters) between the finished floor line of the scale pit and the bottom of the load receiving element or the beam supporting the load receiving element. The clearance between the load receiving element and the coping of every scale pit wall shall be not less than 1/2 inch (1.2 cm) and not more than 3/4 inch (1.8 cm).

2. In every above-ground scale, there shall be a clearance of not less than 6 inches (15 cm) between the top surface of the base slab and the bottom of the load receiving element. This subdivision does not apply to above-ground scales constructed prior to the effective date of chapter....[Revisor inserts date].

3. In a scale pit containing a lever-type weighing element, there shall be a clearance of at least 27 inches (70 cm) on one

side of the transverse lever between the transverse lever and the nearest wall of the pit neck.

(f) Mechanical indicating elements; support. Mechanical indicating elements, including weigh beams and dials, shall be placed on reinforced concrete footings or metal structural members which are sufficiently strong to prevent deflection.

(g) Scale pit entrance. Every scale pit shall include an entrance through which persons may enter the scale pit. The entrance shall take one of the following forms:

1. In a scale pit containing a lever-type weighing element, a square opening in the pit neck, with dimensions of at least 22 inches (58 cm) by 22 inches (58 cm).

2. An opening, at least 24 inches (60 cm) in diameter, in the scale platform.

3. An opening in the pit wall, not less than 36 inches (90 cm) wide. The top of the opening shall be no lower than the bottom of the weigh bridge, and the bottom of the opening shall be approximately even with the pit floor.

(h) Approach surfaces. Entry and exit approaches to a vehicle scale shall be at least as wide as the scale platform and at least 1/2 the length of the scale platform. Where it meets the end wall of a scale, each approach shall be supported on a step in the top of the end wall as provided under par. (b). Extending for the first 10 feet from the scale, each approach surface shall be constructed of reinforced concrete on the same plane with the scale platform. The remainder of the approach

surface may be constructed of a durable material other than concrete, and shall have a slope of not more than 1:12 (vertical rise/horizontal run).

(i) Livestock scales; test weight unloading platform. A concrete test weight unloading platform shall be constructed and maintained next to every livestock scale. The test weight unloading platform shall be at least 10 feet (3 meters) long and 8 feet (2.4 meters) wide. The test weight unloading platform shall be on the same level and plane as the scale platform. The test weight unloading platform shall be situated so that a test truck can easily lower test weights onto the test weight unloading platform, and so that test weights can easily be moved from the test weight unloading platform to the scale platform.

(4) TOLERANCES. Vehicle and livestock scales installed or relocated under sub. (1) shall comply with acceptance tolerances under s. Ag 52.02 throughout the period starting with the first date of use and ending 90 days after the department first receives notice under sub. (5) that the scale is in use. After that initial period, the scale shall comply with applicable tolerances under s. Ag 52.02.

(5) REPORT OF INSTALLATION OR RELOCATION. If a person installs or relocates a vehicle or livestock scale, that person shall report the completed installation or relocation to the department within 5 days after the installation or relocation is completed. The report shall be filed in writing and shall include all of the following:

(a) The department permit number for the scale installation or relocation permit issued under sub. (1).

(b) The date of installation or relocation, and the location at which the scale was installed or to which the scale was relocated.

(c) The name of the scale manufacturer, the brand name of the scale, and the model or serial number of the scale.

(d) The capacity of the scale.

(e) The sectional capacity of the scale if the scale was constructed before January 1, 1989, or the concentrated load capacity of the scale if the scale was manufactured on or after January 1, 1989.

(f) A scale test report showing that the scale was tested and correct before it was put into use. The scale test shall comply with s. 98.25, Stats.

(g) A statement indicating whether the scale was sold in connection with the installation or relocation. If the scale was sold, the report shall include the name and address of the buyer and seller, and shall indicate the date of sale.

(6) PERMIT AUTHORIZING CONSTRUCTION VARIANCES. The department may, in its sole discretion, grant a variance from a construction requirement under sub. (3) if the department determines that the variance is justified by special circumstances. A person requesting a variance under this subsection shall submit an application and specific justification to the department in writing. The department may impose any

conditions on the variance, including alternative construction requirements, which it considers necessary.

(7) REJECTION NOTICE. A department weights and measures inspector or a municipal weights and measures sealer may issue a rejection notice under s. 98.05(2), Stats., prohibiting the commercial use of a vehicle or livestock scale which does not comply with this section.

(8) EXEMPTION FOR PORTABLE SCALES. Subsections (1) to (7) do not apply to a portable vehicle scale which is used for less than one year at the same location. This subsection does not exempt a portable vehicle scale from s. Ag 52.02, or from the annual testing requirement under s. 98.25, Stats.

Ag 52.04 RETAIL MOTOR FUEL MEASURING DEVICES. (1)

PENNYWHEEL CONVERSION DEVICES. (a) Use authorized. Pennywheel conversion devices may be used to indicate the delivered price of motor fuel on retail pumps which are not equipped with computer heads capable of computing and showing total delivered sale prices for motor fuel when the unit price exceeds \$0.999 per gallon.

(b) Graduations and numerals. The graduations and numerals on a penny wheel conversion device shall be uniformly spaced, printed in contrasting colors which are clear and legible, and positioned on the penny wheel so that the zero indicator is in perfect alignment with zero indicators on the original equipment.

(c) Installation. A penny wheel conversion device shall be permanently installed on the penny wheel according to the

manufacturer's instructions. The penny wheel conversion device shall be installed so that when the pump is reset to zero or deliveries are made, the consumer can readily determine the zero setting and total selling price of the delivered volume of motor fuel.

(d) Price increments. Penny wheel conversion devices designed to increase the price computing range of the penny wheel up to one dollar before returning to zero shall be graduated in increments of zero to 99 cents, with the decimal point on the total sale indicator panel being moved one place to the right to show the total delivered price in dollars and cents. Numbered increments shall be printed in multiples of 5 cents.

(e) Accuracy. The graduations of a penny wheel conversion device, when installed, shall be in mathematical agreement, within a tolerance of 2 cents, with the delivered quantity indication multiplied by the price per gallon.

(2) REMOTE CONSOLES. If a remote console readout is used in connection with a penny wheel conversion device installed on a motor fuel retail pump, the remote console shall not be used to determine the selling price. The total selling price and amount charged the consumer shall be determined by the amount computed on the pump display panel.

(3) MOTOR FUEL HALF-PRICING. Motor fuel half-pricing may be used to determine the delivered price of motor fuel on retail pumps which are not equipped with computer heads capable of computing and showing total delivered sale prices when the unit

price exceeds \$0.999 per gallon. When half-pricing is used, labels having figures or letters the same size as existing figures shall be affixed to the face of the motor fuel pump as follows:

(a) Cents per 1/2 gallon. A label which reads "cents per 1/2 gallon" shall be placed immediately beneath the unit price indication.

(b) Full unit price per gallon. A label indicating the full unit price per gallon shall be placed immediately beneath or adjacent to the "cents per 1/2 gallon" label under par. (a).

(c) One-half total sale. A label which reads "1/2 total sale" shall be placed immediately beneath the total price display.

(4) SUNSET DATE. This section does not apply after December 31, 1998.

SECTION 3. Ag 115(title), Ag 115.01, Ag 115.02(title) and (2), and Ag 115.03 are renumbered Ag 52.05(title), Ag 52.05(1), Ag 52.05(2)(title) and (b), and Ag 52.05(3).

SECTION 4. Ag 115.02(1) is renumbered Ag 52.05(2)(a) and amended to read:

Ag 52.05(2)(a) When liquified petroleum gas is sold or delivered to consumers by liquid measurement through use of a liquid meter that is not equipped with an automatic temperature compensating mechanism, then its volume shall be corrected to a temperature of 60 F. through use of the volume correction factor table set forth in sub. ~~(2)~~ par. (b). To correct measured

volume to volume at 60 F., determine the temperature of the liquid after midpoint in the delivery from the thermometer referred to in ~~s. Ag 115.01~~ sub. (1), find the observed temperature in the temperature column in the table, refer to the appropriate column for the product delivered, read the volume conversion factor opposite the observed temperature, and multiply the volume delivered as indicated by the meter by the conversion factor to obtain the volume at 60 F.

SECTION 5. Ag 115.04 is renumbered Ag 52.05(4) and amended to read:

Ag 52.05(4) EXCEPTION. This ~~chapter~~ section shall not apply to unit sales or deliveries made direct to mobile fuel tanks consisting of less than 100 gallons.

SECTION 6. Chapter Ag 120 is repealed.

SECTION 7. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 13 day of November, 1991.

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TRADE AND CONSUMER PROTECTION

BY John Alberts
John Alberts, Administrator,
Trade and Consumer Protection
Division