

Chapter ATCP 92

WEIGHTS AND MEASURES

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Note: Chapters Ag 51, 52, 115 and 120 as they existed on December 31, 1991 were repealed and a new chapter ATCP 92 was created effective January 1, 1992; Chapter Ag 52 was renumbered chapter ATCP 92 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Note: This chapter is adopted under authority of ss. 93.07 (1), 93.15 (1), 98.03 (2), 98.16 (3), 98.18 (1h) and (2) and 100.20 (2), Stats. Violations of this chapter are subject to the penalties and remedies provided under ss. 98.26, 100.20 (5) and (6) and 100.26 (3) and (6), Stats.

Subchapter I — General Provisions

ATCP 92.01 Definitions. In this chapter:

(1) “Commodity” means any product or commodity that is sold, offered for sale, or held or distributed for sale in this state. “Commodity” includes a consumer commodity.

(1e) “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.

(1m) “Consumer commodity” has the meaning given in s. ATCP 90.01 (5).

(1s) “Correct,” as applied to a weighing or measuring device, means that the weighing or measuring device complies with this chapter and ch. 98, Stats.

(2) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(2g) “Individual” means a natural person.

(2r) “Inspector” means any of the following:

(a) A department weights and measures inspector.

(b) A municipal weights and measures sealer or inspector under s. 98.04 (1), Stats.

(3) “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.

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

(5) “Person” means an individual, corporation, partnership, cooperative association, limited liability company, or other legal organization or entity.

(6) “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.

(7) “Portable vehicle scale” means any self-contained vehicle scale that is all of the following:

(a) Designed and engineered by the original manufacturer to measure weight accurately when used without a permanent concrete foundation or approach ramp.

(b) Equipped with lifting and positioning mechanisms that are built into the structure of the scale frame.

(c) Designed for use with approach bulkheads.

(d) Readily movable between job sites.

(9) “Vehicle scale” means a scale designed to weigh loaded or unloaded highway, farm or industrial vehicles, and includes above-ground scales, dump scales and portable scales.

(10) “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.

(11) “Weighing or measuring device” means any device used to determine the weight or measure of a commodity, for commercial purposes. “Weighing or measuring device” includes a scale, meter, measuring device or timing device that affects the determination of weight or measure.

(12) “Weights and measures” has the meaning given in s. 98.01 (7), Stats.

(13) “Weights and measures service company” means a person that is required to be licensed under s. ATCP 92.20 (1).

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; cr. (11m), am. (14), Register, December, 1995, No. 480, eff. 1-1-96; CR 01-028: r. (1), (6) to (9) and (12) and renum. (2) to (5), (10), (11), (11m), and (13) to (15) to be (1) to (10), Register September 2001 No. 549, eff. 10-1-01; CR 02-141: renum. (1) to be (1e), cr. (1), (1m), (1s), (2g), (2r), (11) to (13), am. (5), r. (8) Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.02 Weighing and measuring devices; general requirements. (1) Except as provided in this chapter, weighing and measuring devices shall comply with applicable 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), 2009 edition.

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 and the legislative reference bureau. Copies may be purchased from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

(2) Except as provided in sub. (3), no person may sell, offer for sale, use or distribute for use in this state a weighing or measuring device unless the device is a type or model certified by one of the following:

(a) The chief of the office of weights and measures of the national institute of standards and technology.

(b) The national type evaluation program administered by the National Conference on Weights and Measures.

Note: Devices certified under par. (b) are commonly known as “NTEP-approved” devices.

(3) Subsection (2) does not apply to any of the following:

(a) A commercial weighing or measuring device that is first put into use in this state before January 1, 1997.

(b) A commercial weighing or measuring device that is designed, built or customized for a specific application at a single location.

(c) A commercial weighing or measuring device for which neither the national institute of standards and technology nor the national conference of weights and measures has yet adopted testing and certification procedures, provided that the department authorizes the sale and use of that device in this state. A person seeking department authorization shall apply to the department in writing. The application shall include relevant engineering and use specifications for the device, and shall document that neither the national institute of standards and technology nor the national conference on weights and measures has yet adopted testing and certification procedures for that device. The department shall grant or deny authorization within 30 days after the department receives a complete application, including any supplementary information requested by the department.

(4) A commercial weighing or measuring device is no longer considered a type or model certified under sub. (2) if any of the following applies:

(a) Parts or components of a type specifically certified under sub. (2) are replaced with parts or components not certified under sub. (2).

(b) The device is repaired or remanufactured with parts or components that are inconsistent with the manufacturer's metrological design.

(c) The repair or remanufacture of the device causes the device to be in violation of any applicable standard under sub. (1).

(5) No person may misrepresent that a weighing or measuring device is a type or model certified under sub. (2).

(6) No person may cause a weight or measure to be incorrect.

(7) A person who manufactures or distributes a commercial weighing or measuring device violates sub. (6) if all of the following apply:

(a) The person knows or reasonably should know that the weighing or measuring device has a latent or patent defect that may cause an incorrect weight or measure.

(b) The person fails to take steps, which that person is reasonably capable of taking, which would prevent the defect from causing incorrect weights or measures.

(c) The defective weighing or measuring device causes an incorrect weight or measure which is attributable, at least in part, to the defect in the device.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; renun. (intro.) to (1), cr. (2) to (5), Register, December, 1995, No. 480, eff. 1-1-96; cr. (6) and (7), Register, June, 1998, No. 510, eff. 7-1-98; CR 02-141: am. (1), r. and recr. (2) Register August 2003 No. 572, eff. 9-1-03; CR 04-005: am. (1) and (3) (c) Register October 2004 No. 586, eff. 11-1-04; CR 06-028: am. (1) Register November 2006 No. 611, eff. 12-1-06; CR 08-075: am. (1) Register April 2009 No. 640, eff. 5-1-09.

Subchapter II — State and Municipal Programs

ATCP 92.04 Municipal program components. A municipal weights and measures program under s. 98.04, Stats., shall inspect and test all the following for compliance with applicable requirements under ch. 98, Stats., this chapter, and chs. ATCP 90 and 91:

- (1) Commodities.
- (2) Liquid measuring devices.
- (3) Scales.
- (4) Weighing, measuring and price verification systems.
- (5) Timing devices.

(6) Linear measuring devices.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.06 Inspection procedures and equipment.

(1) **GENERAL.** Inspectors shall inspect weights and measures according to ch. 98, Stats., this chapter, and chs. ATCP 90 and 91. An inspection, and the equipment used to make it, shall comply with all of the following that apply to that type of inspection:

(a) The national institute of standards and technology handbook 44 (specifications, tolerances, and other technical requirements for weighing and measuring devices), 2009 edition.

(b) The national institute of standards and technology handbook 133 (checking the net contents of packaged goods), 2005 edition.

(2) **PRICE VERIFICATION SYSTEMS.** Inspections of price verification systems shall comply with section 7 "test procedures" from the chapter titled "examination procedure for price verification," national institute of standards and technology handbook 130 (uniform laws and regulation in the areas of legal metrology and engine fuel quality), 2009 edition.

(3) **INSPECTION EQUIPMENT AND STANDARDS.** The department, or a laboratory certified by the national institute of standards and technology, shall inspect, test and approve testing equipment and standards used by inspectors. The department or certified laboratory shall inspect, test and approve the equipment at least once every 2 years unless the department specifies a different time interval for specific equipment or standards.

Note: The standards incorporated by reference in subs. (1) and (2) are on file with the department and the legislative reference bureau. Copies may be purchased from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03; CR 04-005: am. (1) (a) and (2) Register October 2004 No. 586, eff. 11-1-04; CR 06-028: am. (1) (a), (b) and (2) Register November 2006 No. 611, eff. 12-1-06; CR 08-075: am. (1) (a) and (2) Register April 2009 No. 640, eff. 5-1-09.

ATCP 92.08 Inspector hiring and training. (1) HIR-

ING. A municipality that has a weights and measures program under s. 98.04, Stats., shall hire its inspectors from a list of applicants whose qualifications have been certified by the state or local civil service agency under the rules of the agency.

Note: See s. 98.04, Stats.

(2) **TRAINING.** Inspectors shall complete weights and measures training prescribed by the department. The department may approve training programs offered by other entities, including governmental, private or educational entities. The department shall issue completion certificates to inspectors who complete prescribed training.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03; CR 06-028: am. (1) Register November 2006 No. 611, eff. 12-1-06.

ATCP 92.09 Sealing or rejecting weights and measures. An inspector may do any of the following after inspecting weights and measures:

(1) Apply a seal or mark of approval to weights or measures that comply with applicable requirements under ch. 98, Stats., and this chapter.

(2) Mark or tag as "rejected" those weights and measures that fail to comply with applicable requirements under ch. 98, Stats., or this chapter.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.10 Recordkeeping and reporting.

(1) **ANNUAL REPORT.** A municipality that operates a weights and measures program under s. 98.04 (1), Stats., shall submit to the department an annual report by August 1 of each year. The report shall cover the 12 months ending June 30 of that year. The report shall describe, in a form prescribed by the department, the activities and findings of the municipal program during the period covered by the report. The report shall include all of the following:

(a) The names of all supervisory and inspection personnel assigned to perform weights and measures program activities.

(b) The number and types of devices or equipment inspected, and a summary of compliance data related to those inspections.

(c) The number and types of establishments inspected.

(d) The number and types of commodities inspected, and a summary of compliance data related to those inspections.

(e) A summary of weights and measures prosecutions and enforcement actions.

(f) A summary of training activities in which inspection personnel participated during the period covered by the report.

(g) The estimated annual operating budget for the program.

(h) Other relevant information required by the department.

Note: You may obtain a copy of the Annual Report form for Municipal Departments of Weights and Measures by writing to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
Weights & Measures Program
P.O. Box 8911
Madison, WI 53708-8911.

(2) RECORDS AND AUDITS. A municipality that operates a weights and measures program under s. 98.04, Stats., shall keep complete and accurate records of its activities and findings under that program. The department may audit and evaluate municipal weights and measures programs, as it deems necessary, to ensure compliance with this chapter and ch. 98, Stats.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

Subchapter III — Weights and Measures Service Companies

ATCP 92.20 Weights and measures service company; license. (1) LICENSE REQUIRED. Except as provided in sub. (5), no person may install, service, test or calibrate weights and measures without a current annual license from the department, as required under s. 98.18, Stats. A license expires on December 31 of each year. A license is not transferable between persons or business locations.

(2) LICENSE APPLICATION. A person seeking a license under sub. (1) shall apply on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name and every trade name under which the applicant engages in activities under sub. (1).

(b) The address of each business location from which the applicant engages in activities under sub. (1).

(c) The full name, birthdate, and date of certification of each technician who engages in activities under s. ATCP 92.21 on behalf of the applicant.

(d) The fees required under sub. (3).

Note: You may obtain application forms by writing to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
Weights & Measures Program
P.O. Box 8911
Madison, WI 53708-8911.

(3) LICENSE FEES. A license application under sub. (2) shall include all of the following applicable fees:

(a) A fee of \$250 if the applicant is engaged solely in installing, servicing, testing or calibrating weights and measures that the applicant owns.

(b) Each of the following fees if the applicant installs, services, tests or calibrates weights and measures for others:

1. A basic license fee of \$250.

2. A supplementary fee of \$75 per year for each additional business location, in excess of one location, from which the applicant installs, services, tests or calibrates weights and measures for others.

(c) A surcharge of \$200 if the department determines that, within one year before submitting the license application, the applicant operated without a license in violation of sub. (1).

(d) The late renewal fee provided under s. 93.21 (5), Stats., if the applicant is applying for the renewal of a license that has already expired.

(4) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend or revoke a license under sub. (1) for cause, pursuant to s. 93.06 (7), Stats., and ch. ATCP 1. Cause may include a violation of this chapter or ch. 98, Stats.

(5) EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) A person who installs, services, tests or calibrates weights and measures only as an employee of a person licensed under sub. (1).

(b) An inspector or metrologist employed by this state, or by a county or municipality, to test or calibrate weights and measures.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03; CR 04-005: am. (3) (d) and r. (3) (d) (note) Register October 2004 No. 586, eff. 11-1-04.

ATCP 92.21 Weights and measures technicians; certification. (1) CERTIFICATION REQUIRED. (a) No weights and measures service company may employ or direct an individual to do any of the following, with respect to a weighing or measuring device, unless the department has certified that individual in a category under sub. (4) that includes that device:

1. Remove an official rejection tag or mark applied under s. ATCP 92.09 (2).

2. Test, calibrate, service or seal a weighing or measuring device.

3. Verify that the weighing or measuring device is correct.

(b) No individual operating a weights and measures service company may engage in any of the activities under par. (a) unless that individual is certified under par. (a).

Note: An individual operating a weights and measures service company must also be licensed under s. ATCP 92.20.

(2) APPLICATION FOR CERTIFICATION. An individual, or a weights and measures service company on behalf of an individual, may apply to have the individual certified under sub. (1). The applicant shall apply on a form provided by the department. An application shall include, for each individual to be certified, all the following:

(a) The individual's full name (first, middle and last) and birth date.

(b) Proof that the individual has met the examination requirement under sub. (3) (a), or is currently certified by another state as provided in sub. (3) (b).

Note: You may obtain certification application forms by writing to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
Weights & Measures Program
P.O. Box 8911
Madison, WI 53708-8911.

(3) EXAMINATION REQUIRED. (a) The department may not certify an individual under sub. (1) in any category under sub. (4) unless one of the following applies:

1. The individual has passed the central weights and measures association registered service persons examination, or another examination approved by the department, in that category.

2. The individual is currently certified in an equivalent category in another state, and has passed an examination under subd. 1. within 5 years prior to the date on which the department receives the certification application under sub. (2).

(b) An individual, or a weights and measures service company on behalf of an individual, may apply to have the individual take an examination required under par. (a). The applicant shall apply to the department, on a form provided by the department. The application shall include, for each individual, all the following:

1. The individual's full name (first, middle and last) and birth date.

2. An address and telephone number at which the applicant may be contacted to schedule the examination.

3. A \$25 examination fee. A single fee entitles an individual to take examinations in one or more certification categories on the same day.

Note: You may obtain exam application forms by writing to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
Weights & Measures Program
P.O. Box 8911
Madison, WI 53708-8911.

(c) Whenever the department receives a complete application under par. (b), the department or its agent shall schedule an examination date with the applicant. The examination date shall be not later than 60 days after the date on which the department receives the complete application, unless the applicant agrees to a later date.

(4) CERTIFICATION CATEGORY. The department may certify an individual in one or more of the device categories for which the central weights and measures association provides examinations.

Note: Currently, the Central Weights and Measures Association provides examinations in the following device categories: retail computing scales, medium capacity scales, livestock scales, vehicle scales, railroad track scales, belt conveyor scales, retail motor fuel dispensers, vehicle tank meters, LPG meters, and agricultural chemical and mass flow meters.

(5) ACTION ON CERTIFICATION. The department shall grant or deny an application under sub. (2) within 45 days after the examination date under sub. (3) (c) except that, if no examination is required under sub. (3), the department shall grant or deny an application under sub. (2) within 45 days after the department receives a complete application.

(6) CERTIFICATION EXPIRES. A certification under sub. (1) expires 5 years after the department issues that certification.

(7) DENYING, SUSPENDING OR REVOKING A CERTIFICATION. The department may deny, suspend or revoke a certification under sub. (1) for cause, pursuant to s. 93.06 (7), Stats., and ch. ATCP 1. Cause may include a violation of this chapter or ch. 98, Stats.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03, except (1) eff. 12-31-04.

ATCP 92.22 Weights and measures service companies; test procedures and equipment. (1) GENERAL. Whenever a weights and measures service company installs, services, tests or calibrates a weighing or measuring device, the service company shall do all the following:

(a) Comply with this chapter and ch. 98, Stats.

(b) Comply with applicable requirements contained in the national institute of standards and technology handbook 44 (specifications, tolerances, and other technical requirements for weighing and measuring devices), 2009 edition.

Note: The national institute of standards and technology handbook 44, 2009 edition, is on file with the department and the legislative reference bureau. You may purchase copies of this handbook from the U.S. Government Printing Office, Superintendent of Document Sales, P.O. Box 371954, Pittsburgh, PA 15250-7954.

(c) Use equipment and standards that comply with sub. (2).

(d) Affix a security seal to any adjustment mechanism that is designed to be sealed. The security seal shall identify the weights and measures service company and individual technician by name, initials or other unique identifiers.

(e) Prepare a report according to s. ATCP 92.23.

(2) TEST EQUIPMENT AND STANDARDS. The department, or a laboratory certified by the national institute of standards and technology, shall inspect, test and approve testing equipment and standards used by weights and measures service companies. The department or certified laboratory shall inspect, test and approve the equipment at least once every 2 years unless the department specifies a different time interval for specific equipment or standards.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03; CR 04-005: am. (1) (b) and (note) Register October 2004 No. 586, eff. 11-1-04; CR 06-028: am. (1) (b) Register November 2006 No. 611, eff. 12-1-06; **CR 08-075: am. (1) (b) Register April 2009 No. 640, eff. 5-1-09.**

ATCP 92.23 Weights and measures service companies; reports. (1) REPORT REQUIRED. A weights and measures service company shall prepare a written report whenever it installs, services, tests or calibrates a weighing or measuring device. The weights and measures technician who performs the work on behalf of the service company shall prepare and sign the report. The report shall include all the following:

(a) The name of the device owner or operator, the location of the device, and a uniquely identifying description of the device.

(b) The date on which the service company installed, serviced, tested or calibrated the device.

(c) The nature of the work performed on the device.

(d) A statement that an inspector had marked or sealed the device as "rejected," if that is the case. The report shall include the date of the "rejected" mark or seal, if known. The report shall state whether the service company returned the device to service and, if it did return the device to service, the date on which it did so.

(e) The level of accuracy and correctness found at the beginning of each test and after any adjustments to the device.

(f) A statement clearly indicating whether the device was correct when the service company completed its work. If the service company did not determine whether the device was correct, the report shall indicate that fact.

(g) The name of the service company technician who installed, serviced, tested or calibrated the device.

(2) GIVING COPIES. Within 10 days after a weights and measures service company installs, services, tests or calibrates a weighing or measuring device, the service company shall mail or deliver a copy of its report under sub. (1) to each of the following:

(a) The owner or operator of the device.

(b) The department if the service company returns to service a device rejected by the department.

(c) The municipality if the service company returns to service a device rejected by the municipality.

(3) KEEPING COPIES. A weights and measures service company shall keep a copy of every report under sub. (1) for at least 2 years after the report is created.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.24 Prohibited practices. No person who sells, installs, services, tests or calibrates a weighing or measuring device may do any of the following:

(1) Cause the device to be incorrect.

(2) Misrepresent that the device is correct.

(3) Misrepresent, directly or by implication, that the person has determined whether the device is correct.

(4) Fail to comply with this chapter or ch. 98, Stats.

(5) Remove any reject tag or mark applied by a state or municipal inspector unless the person first does one of the following:

(a) Adjusts the device to bring it into compliance with this chapter and ch. 98, Stats.

(b) Obtains express authorization from the department or, if the reject tag or mark was applied by a municipal inspector, from that municipality.

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

Subchapter IV — Vehicle and Livestock Scales

ATCP 92.30 Vehicle and livestock scales; permits and construction requirements. (1) PERMIT REQUIRED. No 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 application and construction plan shall document that the scale complies with the construction standards under sub. (3). The department shall grant or deny a permit appli-

ation 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 January 1, 1992, 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. A vehicle scale end wall, if poured with seams or joints, shall be constructed with a step at the outer edge to provide support for the vehicle approach slab unless the approach slab consists of reinforced concrete which is poured monolithically with the end wall and joined to the end wall with reinforcing rods. 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) **Foundations.** 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 according to the manufacturer's engineering drawings, and shall 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 January 1, 1992.

3. A load-bearing concrete surface underlying an above-ground vehicle scale shall rest on a bed of compacted aggregate which is at least 6 inches (15 cm) thick under every portion of the load-bearing concrete surface, or on an alternative foundation constructed according to the manufacturer's engineering drawings. This subdivision does not apply to above-ground scales installed prior to January 1, 1992.

(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, the bottom of the beam supporting the load receiving element, or the top of the fully electronic 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 January 1, 1992.

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 pit neck wall.

(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 on the same plane with the scale platform and shall be constructed of reinforced concrete, compacted asphaltic materials, steel grating or structural steel plate of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale. The remainder of the approach surface shall be constructed of a durable material and shall have a slope of not more than 1:12 (vertical rise/horizontal run). The approach shall be constructed and maintained to drain away from the scale, to provide easy vehicle access to the scale, and to provide easy access by the department or a scale service company to test compliance with s. ATCP 92.02 (1).

(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. ATCP 92.02 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. ATCP 92.02.

(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) EXEMPTIONS. Subsections (1) to (7) do not apply to any of the following:

(a) A vehicle scale that is used for less than one year at the same location.

(b) Portable vehicle scales installed with all of the following:

1. Durable load bearing foundations that comply with the vehicle scale manufacturer's engineering drawings and specifications.

2. Durable vehicle approaches that provide adequate drainage away from the scale and easy access for the department or a scale service company to test compliance with s. ATCP 92.02 (1).

3. Durable approach bulkheads that provide a barrier between the scale's weighing element, approach material and run off.

(c) A vehicle scale used exclusively for highway construction if that use is supervised by the state of Wisconsin department of transportation.

Note: Scales identified under sub. (8) are not exempt from s. ATCP 92.02, from licensing requirements under s. 98.16, Stats., or from the annual testing requirement under s. 98.25, Stats.

History: Cr. Register, December, 1991, No. 432, eff. 1-1-92; am. (1), (3) (b) 3., (c) 1. and 3., (e) 1. and 3., and (h), r. and recr. (8), Register, December, 1995, No. 480, eff. 1-1-96; CR 02-141: renum. from ATCP 92.03 Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.31 Vehicle scale license. (1) LICENSE REQUIRED. No person may operate a vehicle scale without a license from the department, as provided under s. 98.16, Stats. A separate license is required for each scale. A license is not transferable between persons, scales or scale locations. A license expires on March 31 annually.

(2) LICENSE APPLICATION. A person applying for a license under sub. (1) shall apply on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name and business address, and any trade name under which the applicant proposes to operate the vehicle scale.

(b) The nature and location of the vehicle scale.

(c) The fees required under sub. (3).

(d) Other information that the department reasonably requires for licensing purposes.

(3) LICENSE FEES. A person applying for a vehicle scale license under sub. (1) shall pay an annual license fee of \$100 per vehicle scale. The applicant shall also pay a license fee surcharge under s. 98.16 (2) (c), Stats., if that surcharge applies.

Note: Under s. 98.16 (2) (c), Stats., a license applicant must pay a surcharge of \$200 if the department finds that the applicant operated without a required license within one year prior to submitting the license application. Other civil and criminal penalties may also apply.

(4) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license application under sub. (2) within 20 business days after the department receives a complete application.

(5) EXEMPTION. Subsection (1) does not apply to a person who operates a vehicle scale only as an employee of a person who is required to hold a license under sub. (1).

History: CR 02-141: cr. Register August 2003 No. 572, eff. 9-1-03.

Subchapter V — Liquefied Petroleum Gas

ATCP 92.40 Thermometer and thermometer well specifications. (1) Every meter used for the liquid measurement of liquefied petroleum gas sold or delivered to consumers shall be equipped with a thermometer well. The well shall extend into the flowing liquid either in the liquid chamber of the meter or in the meter inlet or discharge line immediately adjacent to the meter.

(2) The thermometer well shall be constructed so as to permit insertion of a mercury in glass Fahrenheit thermometer which has one-degree graduations, spaced at least 0.04 inch apart.

History: CR 02-141: renum. from ATCP 92.05 (1) Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.41 Manual volume correction. When liquefied 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 this paragraph. 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. ATCP 92.40, 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 factor to obtain the volume at 60° F.

CORRECTION FACTOR TABLE

Temperature	Propane	Butane
-20	1.115	1.080
-19	1.113	1.079
-18	1.112	1.078
-17	1.111	1.077
-16	1.110	1.076
-15	1.109	1.075
-14	1.108	1.074
-13	1.107	1.073
-12	1.105	1.072
-11	1.103	1.071
-10	1.102	1.071

Temperature	Propane	Butane	Temperature	Propane	Butane
-9	1.101	1.070	40	1.032	1.021
-8	1.100	1.069	41	1.030	1.020
-7	1.098	1.068	42	1.029	1.019
-6	1.096	1.067	43	1.027	1.018
-5	1.094	1.066	44	1.026	1.017
-4	1.092	1.065	45	1.024	1.016
-3	1.091	1.065	46	1.022	1.015
-2	1.090	1.064	47	1.020	1.014
-1	1.089	1.063	48	1.019	1.013
0	1.088	1.062	49	1.017	1.012
1	1.087	1.061	50	1.016	1.011
2	1.086	1.060	51	1.014	1.010
3	1.084	1.059	52	1.013	1.009
4	1.083	1.058	53	1.011	1.007
5	1.081	1.057	54	1.010	1.006
6	1.080	1.055	55	1.008	1.005
7	1.079	1.054	56	1.007	1.004
8	1.078	1.053	57	1.005	1.003
9	1.076	1.052	58	1.003	1.002
10	1.075	1.051	59	1.001	1.001
11	1.073	1.050	60	1.000	1.000
12	1.072	1.049	61	.998	.999
13	1.071	1.048	62	.997	.998
14	1.070	1.047	63	.995	.997
15	1.068	1.046	64	.993	.996
16	1.067	1.045	65	.991	.994
17	1.066	1.044	66	.990	.993
18	1.065	1.043	67	.988	.992
19	1.063	1.042	68	.986	.991
20	1.062	1.041	69	.984	.990
21	1.060	1.040	70	.983	.989
22	1.059	1.039	71	.981	.988
23	1.057	1.038	72	.980	.987
24	1.056	1.037	73	.978	.986
25	1.054	1.036	74	.976	.985
26	1.053	1.036	75	.974	.983
27	1.051	1.035	76	.973	.982
28	1.050	1.034	77	.971	.981
29	1.048	1.033	78	.970	.980
30	1.047	1.032	79	.968	.979
31	1.045	1.031	80	.967	.978
32	1.044	1.030	81	.965	.977
33	1.042	1.029	82	.963	.976
34	1.041	1.028	83	.961	.975
35	1.039	1.026	84	.959	.974
36	1.038	1.025	85	.957	.972
37	1.036	1.024	86	.956	.971
38	1.035	1.023	87	.954	.970
39	1.033	1.022	88	.952	.969

Temperature	Propane	Butane
89 .....	.950	.968
90 .....	.949	.967
91 .....	.947	.966
92 .....	.945	.965
93 .....	.943	.963
94 .....	.941	.962
95 .....	.939	.961
96 .....	.938	.960
97 .....	.936	.958
98 .....	.934	.957
99 .....	.932	.956
100 .....	.930	.955

History: CR 02-141: renum. from ATCP 92.05 (2) Register August 2003 No. 572, eff. 9-1-03; correction made under s. 13.93 (2m) (b) 7., Stats., Register August 2003 No. 572.

ATCP 92.42 Sales tickets. (1) When delivery of liquefied petroleum gas is made through a liquid meter equipped with an automatic temperature compensating mechanism, the word "gallon" or any abbreviation thereof shall not appear alone on the

sales ticket but shall be immediately preceded or followed by the words "automatically corrected to 60° F." in the same size and style of type.

(2) When delivery of liquefied petroleum gas is made through a liquid meter not equipped with an automatic temperature compensating mechanism, the sales ticket shall show the delivered gallons, the temperature of the liquid at the time of delivery, the volume correction factor, and the corrected gallonage. Wherever a statement of corrected gallonage appears on the sales ticket the words "corrected to 60° F." shall appear immediately adjacent thereto.

History: CR 02-141: renum. from ATCP 92.05 (3) Register August 2003 No. 572, eff. 9-1-03.

ATCP 92.43 Registered meters. The owner of a meter used to determine the liquid measure of liquefied petroleum gas sold or delivered to consumers by liquid measure shall register that meter with the department, and shall pay to the department a one-time registration fee of \$25. The owner shall register each meter and pay the fee for that meter within 60 days after July 1, 1999, or within 60 days after the owner acquires that meter, whichever occurs later. A registration is not transferable between owners.

History: CR 02-141: renum. from ATCP 92.05 (4) Register August 2003 No. 572, eff. 9-1-03.