

Oklahoma Department of Agriculture, Food and Forestry

Consumer Protection Services



Service Agency Law and Rules

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C. Oklahoma Service Technician and Service Agency Act

§2-14-61. Short title

This article shall be known as the "Oklahoma Service Technician and Service Agency Act".

§2-14-62. Definitions

As used in the Oklahoma Service Technician and Service Agency Act:

1. "Commercial weighing and measuring device" means any weight or measure that is used or employed in establishing size, quantity, grade, extent, area, measurement of quantities, things, products, or articles for distribution or consumption which are purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered. The term commercial weighing and measuring device shall also include any accessory attached to or used in connection with a weighing or measuring device when the accessory is so designed or installed that its operation affects, or may affect, the accuracy of the weight or measure;

2. "Placing-in-service report" means a report on a form approved by the State Board of Agriculture listing the name, address, and location of the commercial weight or measure, and information stating in detail what services were performed and whether the weight or measure is new or removed from the premises, the date the service was performed, and other required information;

3. "Service" means to install, adjust, sell, repair, condition, recondition, overhaul, test, or remove from installation, a weight, measure, or weighing or measuring device;

4. "Service agency" means any person who services a weight or measure for hire, award, commission, or any other payment of kind;

5. "Service technician" means any individual who services a weight or measure for hire, award, commission, or any other payment of kind; and

6. "Test" means to test a weighing and measuring device according to the laws, rules, and the specifications and tolerances adopted by the National Conference on Weights and Measures and published in Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices"

§2-14-63. License required - Issuance - Qualifications - Apprentice license - Applications - Categories of weights or measures - Contents of license - Termination of employment - Conviction of felony - Expiration date - Fees - Exemptions from act

A. It shall be unlawful for any person to do business as a service agency or service technician without first obtaining a valid license issued by the State Board of Agriculture and paying the license fee.

B. A service agency license may be issued by the Board after submitting an application on a form prescribed by the Board. The service agency shall have the appropriate amount of equipment and standards and have employed a qualified licensed service technician in each category as stated on the application and such other information as required by the Board. Failure to show proper qualification under the rules prescribed by the Board or for violations of any of the provisions of the Oklahoma Service Technician and Service Agency Act shall be grounds for the Board to deny the issuance or renewal of the license.

C. An apprentice service technician license may be issued after submitting an application on a form prescribed by the Board. The apprenticeship license for new applicants, with no device-related educational training from an accredited or recognized institution or experience, shall be in effect for one year. All apprentice service technicians shall work under the supervision of a licensed service technician when servicing a weight or measure. Failure to show proper qualifications under the rules prescribed by the Board or violations of any provisions of the Oklahoma Service Technician and Service Agency Act shall make it the duty of the Board to deny the issuance or renewal of the license.

D. 1. An applicant for a service technician license shall submit an application on a form prescribed by the Board. Failure to show proper qualifications under the rules prescribed by the Board or violations of any of the provisions of the Oklahoma Service Technician and Service Agency Act shall make it the duty of the Board to deny the issuance or renewal of the license.

2. A service technician license may be issued by the Board pursuant to the provisions of the Oklahoma Service Technician and Service Agency Act, provided the applicant qualifies under the provisions of the Oklahoma Service Technician and Service Agency Act or any rule promulgated by the Board and the applicant is limited to the category or categories of weight or measure named on the license. The Board shall establish necessary categories of weight or measure service.

3. Each service technician license shall specify the kind of work in which the applicant is authorized to engage, and shall show the name and address of the person to whom it is issued, and the name of the service agency with whom the individual is employed.

4. No service technician license shall be issued or remain valid if the Board finds that the applicant has been convicted of a weight or measure-related felony charge in any state or territory of the United States.

5. Any apprentice technician license and service technician license upon separation of employment with the licensed service agency as stated on the license shall be returned to the Board. Failure to return and continued use of the license upon separation of employment shall constitute a violation. The service agency shall immediately report the separation or termination of a licensed service technician's employment to the Board.

E. All licenses are nontransferable. All licenses shall expire on a date specified by the Board and may be renewed for the ensuing year, without penalty. If application is not received within thirty (30) days of expiration date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license as applicable.

F. The following fees shall be paid to the Board. All fees collected by the Board, pursuant to this subarticle, shall be deposited in the State Board of Agriculture Revolving Fund:

1. A fee of One Hundred Dollars (\$100.00) for the issuance or renewal of a license as a service agency;

2. A fee of Twenty-five Dollars (\$25.00) for issuance or renewal of a license as a service technician for each category of weights and measures serviced;

3. A fee of Ten Dollars (\$10.00) for the issuance of a license for an apprentice service technician; and

4. A fee of Ten Dollars (\$10.00) for the issuance of a duplicate license.

G. The Oklahoma Service Technician and Service Agency Act shall not apply to public utilities, public service corporations, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operations, inspections, maintenance, or repairs for their customers or on their own equipment.

§2-14-64. Board - Powers and Duties

When necessary for the enforcement of the Oklahoma Service Technician and Service Agency Act, the State Board of Agriculture shall have the following powers and duties:

1. Issue stop sale, stop use, hold, and removal orders with respect to any weight or measure found to be in violation of the Oklahoma Service Technician and Service Agency Act;

2. Seize for use as evidence any incorrect or unapproved weight or measure found to be used, retained, or sold in violation of the Oklahoma Service Technician and Service Agency Act or rules promulgated pursuant thereto;

3. Conduct investigations to ensure compliance with the Oklahoma Service Technician and Service Agency Act and rules promulgated thereto; and

4. Enter into contracts with state or federal agencies for the conduct of weight and measure testing.

§2-14-65. Service Technicians and Service Agencies - Powers, duties and responsibilities

Licensed service technicians and service agencies shall:

1. Submit a placing in service report to the State Board of Agriculture within five (5) calendar days after service is provided when required by the Board;

2. Have the authority to remove an official rejection tag after the device has been repaired, tested, and found to meet requirements. The rejection tag and the service technician/service agency test report shall accompany the placing-in-service report submitted to the Board;

3. Attach a seal approved by the Board identifying the service agency, signed and dated by the service technician, stating that the commercial device has been tested in accordance with the provisions in Handbook 44 and is suitable for use as a commercial device;

4. Have available and use sufficient standards and equipment to adequately test weights and measures as set forth in the notes section of each applicable code in Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices", and have the handbook in their possession. The equipment shall meet the specifications corresponding to the series of NIST Handbook 105, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures", supplements and revisions;

5. Submit to the Board, as required by the Board of Control of the State Bureau of Standards, for examination and certification, any standards and testing equipment that are used or are to be used in the performance of the service and testing functions. A licensed service technician or service agency shall not use any weight or measure standard or testing equipment that has not been approved by the Board; and

6. Maintain all records required by the Board.

§2-14-66. Owner serviced and maintained devices

Nothing in the Oklahoma Service Technician and Service Agency Act shall prohibit a weight or measure owner or a regular employee of the owner from servicing or repairing a device. However, if the device is found out of tolerance and is rejected by the State Board of Agriculture, the owner is responsible for repairing the device within the time specified on the rejected tag. In addition, the owner shall notify the Board when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the Board in performing the follow-up inspection or test.

§2-14-67. Equipment calibrated and serviced by another state's weights and measures laboratory

Equipment calibrated and certified as required by the board of control by another state's weights and measures laboratory that can show traceability to and is certified by the National Institute of Standards and Technology shall be recognized as equipment suitable for use by licensed service technicians or service agencies in this state.

§2-14-68. Administration and enforcement of act - Rules, regulations, standards and evaluations

The State Board of Agriculture shall administer and enforce the provisions of the Oklahoma Service Technician and Service Agency Act and shall promulgate rules, standards and evaluations, and work performance of each category of weight or measure. The rules, and standards or evaluation of weight or measure shall conform as nearly as practicable to the handbooks as specified in this article and adopted by the National Conference on Weights and Measures.

§2-14-69. Suspension, cancellation, revocation or refusal to re-issue license - Violations - Criminal penalties

A. The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for any of the following violations:

1. Failure to correct work on each job which fails to meet the requirements and required testing procedures as adopted by the National Conference on Weights and Measures and published in Handbook 44 as amended;

2. Failure to complete the placing-in-service report in its entirety and to report the accurate description of parts replaced, adjusted, or reconditioned and work performed;

3. Failure to report in a contract or work agreement a written explanation of the actual repairs required to repair the weight or measure to meet the requirements;

4. Failure to furnish to the Board, upon request, duplicated copies of the service agency or any service technician weight or measure test report, or any other information required by the Board;

5. To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure;

6. Making a misrepresentation for the purpose of defrauding;

7. Operating as a service technician or service agency without proper license;

8. Repairing a weight or measure unless the repair involved causes the weight or measure to meet the requirements of the Oklahoma Service Technician and Service Agency Act for at least ninety (90) days after the repairs;

9. Failure to submit a placing-in-service report to the Board within five (5) calendar days after that repair, installation, or removal is performed; and

10. Filing a false or fraudulent application to the Board.

B. It shall be unlawful for any person, holder or nonholder of a valid license to violate any provisions of the Oklahoma Service Technician and Service Agency Act or rules promulgated thereto. Any violation shall be punishable by the imposition of a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00).

**TITLE 35. STATE DEPARTMENT OF AGRICULTURE
CHAPTER 10. AGRICULTURAL PRODUCTS
SERVICE TECHNICIANS AND SERVICE AGENCIES**

35:10-5-1. General

Reference in this subchapter refer to the inch-pound system of weights and measures and shall likewise apply to equivalent applications of the metric system and vice versa.

35:10-5-2. Application

(a) A Service Technician is an individual who applies and is approved for a license as qualified by training and/or experience to service any or all categories of commercial weighing and/or measuring device. Application for a license shall be made on a form supplied by the Department. This form, duly signed, shall certify that the applicant:

- (1) Is fully qualified to service devices of all categories for which license is sought;
- (2) Will use and has in possession all necessary testing equipment and standards;
- (3) Has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and
- (4) Has in possession a copy of the most recently published edition of "Handbook 44", The Oklahoma Weights and Measures Law, The Oklahoma Service Technician and Service Agency Act, associated rules, and regulations.

(b) A Service Agency is a qualified company which applies and is approved for a license to service any or all categories. The application form, duly signed by an authorized officer of the service agency shall certify that the applicant:

- (1) Is fully qualified to service devices of all categories for which license is sought;
- (2) Will use and has in possession, all necessary testing equipment and standards;
- (3) Has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations.
- (4) Has in possession a copy of the most recently published edition of "Handbook 44", The Oklahoma Weights and Measures Law, The Oklahoma Service Technician and Service Agency Act, associated rules, and regulations.
- (5) Will attach for approval by the Department a seal which must include as a minimum the following information:

- (A) The Service Agency name, city, state, zip code, area code and phone number in a prominent location in the top one-third of the seal.

The statement "TESTED IN ACCORDANCE WITH THE PROVISIONS IN HANDBOOK 44 AND IS SUITABLE FOR USE AS A COMMERCIAL DEVICE" in the second one-third of the seal.

- (B) A place for the Service Technician's signature, Service Technician's license number and date of service in the bottom one-third of the seal.

35:10-5-4. Device Categories

(a) Device Category 1 shall include scales which fall into class I and/or II, whether designated by the manufacturer or not, pursuant to "Handbook 44" Section S.5.2. The minimum equipment necessary to service Category 1 scales shall be certified standards in amounts suitable to test devices in category as specified in the most recently published edition of "Handbook 44" and the National Conference on Weights and Measures "(NCWM) Publication 12" Examination Procedures Outline (EPO's) For Weighing and Measuring Devices.

(b) Device Category 2 shall include scales which fall into class III, III L and/or IIII, whether designated by the manufacturer or not, pursuant to Handbook 44". The minimum equipment necessary to service Category 2 scales shall be certified standards in amounts suitable to test device in said category as specified in the most recently published edition of Handbook 44 and NCWM Pub._12 EPO's.

(c) Device Category 3 shall include moisture meters. The minimum equipment necessary to service moisture meters shall be certified standards in amounts suitable to test devices in category as specified in the most recently published edition of the "Handbook 44". If official grain samples are used to check meters, the grain sample moisture content must be determined by the oven test method referenced in the "Federal Grain Inspection Service (FGIS) Moisture Handbook," supplements, and revisions.)

35:10-5-6. Filing of records and reports

(a) A licensed service technician who conducts tests on a commercial weighing and measuring device, at the time of testing and inspection, shall promptly furnish to the owner or operator of the device a report showing the results of the test and inspection. A copy of this report must remain on file with the licensed service agency for a period of not less than three years. These records will be available during regular business hours to authorized agents of the Oklahoma Department of Agriculture.

(b) A placing in service report form along with a copy of the testing and inspection report on a commercial weighing and measuring device, which does not meet tolerances and specifications for commercial device, must be sent within 5 calendar days to the Oklahoma Department of Agriculture. A copy of

the service technician's report must be immediately given to the owner or user informing them that the device no longer meets "Handbook 44" requirements for a commercial device and must be removed from commercial service. A follow up inspection will be conducted by the Oklahoma Department of Agriculture to insure removal of the device from commercial service.