

**TITLE 19       NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 15   OIL AND GAS**  
**PART 109     NOT SEALED NOT LEGAL FOR TRADE**

**19.15.109.1       ISSUING AGENCY:** New Mexico State University, New Mexico Department of Agriculture  
[7/1/97; 19.15.109.1 NMAC - Rn & A, 19 NMAC 15.109.1, 05/29/09]  
[MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]

**19.15.109.2       SCOPE:** All parties involved in the servicing or use of commercial weighing or measuring devices.  
[7/1/97; 19.15.109.2 NMAC - Rn, 19 NMAC 15.109.2, 05/29/09]

**19.15.109.3       STATUTORY AUTHORITY:** Granted to the board of regents of New Mexico state university under the Petroleum Products Standards Act, Chapter 57, Article 19, Sections 25 through 37, New Mexico Statutes Annotated 1978.  
[7/1/97; A, 3/1/98; 19.15.109.3 NMAC - Rn, 19 NMAC 15.109.3, 05/29/09]

**19.15.109.4       DURATION:** Permanent.  
[7/1/97; 19.15.109.4 NMAC - Rn, 19 NMAC 15.109.4, 05/29/09]

**19.15.109.5       EFFECTIVE DATE:** July 1, 1997  
[7/1/97; 19.15.109.5 NMAC - Rn, 19 NMAC 15.109.5, 05/29/09]

**19.15.109.6       OBJECTIVE:** This part establishes the conditions and circumstances under which a weighing or measuring device may be marked "NOT SEALED - NOT LEGAL FOR TRADE."  
[7/1/97; 19.15.109.6 NMAC - Rn, 19 NMAC 15.109.6, 05/29/09]

**19.15.109.7       DEFINITIONS:**  
A. "Department" means the New Mexico department of agriculture.  
B. "Director" means the director of the New Mexico department of agriculture.  
C. "Registered service establishment" means any person, firm, or company registered with the department for the purpose of installing, servicing, repairing or reconditioning commercial weighing or measuring devices.  
[7/1/97; 19.15.109.7 NMAC - Rn, 19 NMAC 15.109.7, 05/29/09]

**19.15.109.8       [RESERVED]**

**19.15.109.9       CONDITIONS:** Any weighing or measuring device not used for commercial purposes in the state of New Mexico, may be marked "NOT SEALED - NOT LEGAL FOR TRADE" if:  
A. the owner of the device declares in writing that the device is not used for commercial purpose;  
B. the director determines that a device is not being used for commercial purpose through abandonment, location or condition; or  
C. the director determines that a device cannot be used commercially because of its construction or design.  
[7/1/97; 19.15.109.9 NMAC - Rn, 19 NMAC 15.109.9, 05/29/09]

**19.15.109.10      PROHIBITED USE:**  
A. Any device marked or tagged as "NOT SEALED - NOT LEGAL FOR TRADE" pursuant to this part, shall not be used for commercial purpose nor shall the tag or mark be removed until it has been properly placed in service by the department or a registered service establishment.  
B. Such inspection by the department will be at the request of the device owner and may require the payment of a fee based on current fee schedules.  
[7/1/97; 19.15.109.10 NMAC - Rn, 19 NMAC 15.109.10, 05/29/09]

**19.15.109.11      [RESERVED]**

**HISTORY OF 19.15.109 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule No. 93-9, Not Sealed Not Legal for Trade, filed 5/28/93.

History of Repealed Material: [RESERVED]