

These are amendments to 19.15.108 NMAC, Sections 9, 10, 13, 14, and 15 effective January 31, 2007. This rule was also renumbered and reformatted to comply with current NMAC requirements.

19.15.108.9 REGISTRATION:

A. Prior to installing, servicing, ~~[or]~~ repairing or reconditioning any commercial weighing or measuring device in the state of New Mexico, a service establishment and each service technician employed by, or who is a part of, the service establishment shall be registered with the department. Application for registration shall be on a form supplied by the department with said form duly signed and witnessed. By applying for registration, the principal officer of the service establishment certifies that each service technician employed by the service establishment is fully competent to install, service, ~~[or]~~ repair or recondition the class of devices for which registration is applied; has in their possession or available for use all necessary testing equipment, certified test standards, and required reference materials; and has full knowledge of all applicable laws, rules, and regulations. At the request of the department, an applicant shall submit appropriate evidence of qualifications.

B. This part shall not preclude or limit the right and privilege of any individual to install, service, repair, or recondition a commercial device owned by him or his employer. However, without registration, such individual is not permitted to remove an official out-of-order tag or place a device into commercial service.
[7/1/97; 19.15.108.9 NMAC - Rn & A, 19 NMAC 15.108.9, 01/31/07]

19.15.108.10 ANNUAL REGISTRATION FEES:

~~[A. Fifty dollars (\$50.00) per registered service establishment.~~
~~B. Five dollars (\$5.00) for each service technician registered by the service establishment.~~
~~C. If the complete application for renewal of registration is not filed prior to the expiration of the current registration, a late registration fee of ten dollars (\$10.00) shall be charged in addition to the annual registration fees.~~
~~D. If a registration is canceled by the department during a licensed year and reinstated during the same licensed year, a reinstatement fee of ten dollars (\$10.00) will be charged prior to reinstatement.~~
~~E. All fees shall accompany the application for registration.]~~ A complete registration will include payment of applicable fees for the registrant and all service technicians as established by an external policy memorandum.

[7/1/97; 19.15.108.10 NMAC - Rn & A, 19 NMAC 15.108.10, 01/31/07]

19.15.108.13 AUTHORITY AND RESPONSIBILITIES OF A REGISTRANT:

A. A registered service technician or registered service establishment shall have the authority to:

- (1) remove official tested and approved, out-of-order, and not sealed - not legal for trade stickers or tags;
- (2) break seals on adjustment mechanisms;
- (3) place into commercial service a device that has been officially rejected;
- (4) place into commercial service a new or used device.

B. Prior to placing a device into commercial service, it shall be the responsibility of the registered service technician to:

(1) install, service, ~~[or]~~ repair or recondition a commercial device in such a manner that the device will comply with applicable requirements set forth in *national institute of standards and technology (NIST) handbook 44*, as revised, and the Petroleum Products Standards Act and associated rules;

(2) remove from a commercial device being installed, serviced, ~~[or]~~ repaired, or reconditioned all existing tested and approved, out-of-order or not sealed - not legal for trade stickers or tags;

(3) seal all adjustment mechanisms with an appropriate seal;

(4) affix to ~~[a commercial device]~~ commercial devices installed, serviced, ~~[or]~~ repaired, or reconditioned, a clearly visible tag or sticker containing the registered service establishment name or registration number and date on which installation, service, ~~[or]~~ repair or recondition was performed.

[7/1/97; 19.15.108.13 NMAC - Rn & A, 19 NMAC 15.108.13, 01/31/07]

19.15.108.14 PLACE-IN-SERVICE REPORT:

A. Within five (5) calendar days after a new or used device is installed, the original of the properly executed place-in-service report shall be mailed to the department. The duplicate copy of the report shall be retained by the registered service establishment and the triplicate copy of the report shall be given to the owner or operator of

the device.

B. Within five (5) calendar days after repairing a device that has been officially rejected, the bottom portion of the out-of-order form shall be completed by the registered service technician performing the repair and the form mailed to the department.

C. A place-in-service report for the types of devices specified below shall be accompanied by the registered service establishment's test report which shows that the device was tested and performing within applicable tolerances at the time the device was placed into service:

(1) For commercial meters (liquid measuring devices) with a capacity of more than twenty (20) gallons or seventy five (75) liters per minute, a test report shall be required which shows that a volumetric prover of sufficient capacity was used to receive a test draft as specified in *NIST handbook 44* for the device under test.

(2) For devices other than those described above, the director may establish appropriate test standards and require test reports if it is determined at his discretion such standards and reports are in the best interests of all concerned.

[7/1/97; 19.15.108.14 NMAC - Rn & A, 19 NMAC 15.108.14, 01/31/07]

19.15.108.15 STANDARDS AND TESTING EQUIPMENT:

A. Prior to registration, and at least annually thereafter, all standards and testing equipment used by the registered service technician or registered service establishment shall be examined by the department or another approved laboratory and a calibration certificate issued for all standards and testing equipment found to be acceptable. A copy of the calibration certificate for all standards and testing equipment used by the registered service technician or registered service establishment shall accompany the registration application.

B. A registered service technician or registered service establishment shall not use in installing, servicing, ~~or~~ repairing, or reconditioning a commercial device any standards or testing equipment that has not been certified.

[7/1/97; 19.15.108.15 NMAC - Rn & A, 19 NMAC 15.108.15, 01/31/07]