

**TITLE 21      AGRICULTURE AND RANCHING**  
**CHAPTER 16   AGRICULTURAL WEIGHTS AND MEASURES**  
**PART 3        NOT SEALED NOT LEGAL FOR TRADE**

**21.16.3.1      ISSUING AGENCY:** New Mexico State University, New Mexico Department of Agriculture  
[7/1/97; 21.16.3.1 NMAC - Rn & A, 21 NMAC 16.3.1, 05/29/09]  
[MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]

**21.16.3.2      SCOPE:** All parties involved in the servicing or use of commercial weighing or measuring devices.  
[7/1/97; 21.16.3.2 NMAC - Rn, 21 NMAC 16.3.2, 05/29/09]

**21.16.3.3      STATUTORY AUTHORITY:** Granted to the board of regents of New Mexico state university under the Weights and Measures Law, Chapter 57, Article 17, Sections 1 through 19, New Mexico Statutes Annotated, 1978 Compilation.  
[7/1/97; 21.16.3.3 NMAC - Rn, 21 NMAC 16.3.3, 05/29/09]

**21.16.3.4      DURATION:** Permanent  
[7/1/97; 21.16.3.4 NMAC - Rn, 21 NMAC 16.3.4, 05/29/09]

**21.16.3.5      EFFECTIVE DATE:** July 1, 1997  
[7/1/97; 21.16.3.5 NMAC - Rn, 21 NMAC 16.3.5, 05/29/09]

**21.16.3.6      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; 21.16.3.6 NMAC - Rn, 21 NMAC 16.3.6, 05/29/09]

**21.16.3.7      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; 21.16.3.7 NMAC - Rn, 21 NMAC 16.3.7, 05/29/09]

**21.16.3.8      [RESERVED]**

**21.16.3.9      CONDITIONS:** Any weighing or measuring device not used for commercial purpose 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 the device is not used for commercial purpose;  
B. the director determines a device is not being used for commercial purpose through abandonment, location, or condition; or  
C. the director determines a device cannot be used commercially because of its construction or design.  
[7/1/97; 21.16.3.9 NMAC - Rn, 21 NMAC 16.3.9, 05/29/09]

**21.16.3.10     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; 21.16.3.10 NMAC - Rn, 21 NMAC 16.3.10, 05/29/09]

**21.16.3.11     [RESERVED]**

**HISTORY OF 21.16.3 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. DOA 74-3, Regulatory Order No. 8, "Not Sealed" Devices, filed 1/30/74.

NMDA Rule No. 95-6, Not Sealed Not Legal for Trade Under the Weights and Measures Law, filed 11/14/95.

History of Repealed Material: [RESERVED]