

WEIGHTS AND MEASURES ACT (EXCERPT)
Act 283 of 1964

***** 290.609b.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2023 *****

290.609b.amended Servicepersons and agencies; registration requirements; fee; denial, suspension, or revocation of registration; enforcement action.

Sec. 9b. (1) The director shall issue a registration for servicepersons and service agencies seeking registration under this section in accordance with the standards described in section 28c. Registration with the director under this section is voluntary.

(2) A person may apply for initial and renewal registration as a serviceperson or service agency in specific competency areas. Competence in a subject matter area may be demonstrated by scoring at least 80% on a department-approved competency test for that area in compliance with the standards described in section 28c. A registrant shall retake the department-approved competency test every 4 years or as otherwise required by law.

(3) The term of registration is 2 years from the date of issuance. A registration may be transferred to a different registered service agency if the registration is retained by the original serviceperson and the new service agency pays the service agency registration fee.

(4) The fee for registration under this section must be established in accordance with section 10b(1).

(5) Certification of standards used by the registered serviceperson or registered service agency must be accomplished by the registrant at least biennially. The certification of standards may be done at any approved laboratory. The registrant shall submit documentation of international standards traceable calibration reports with the registration or renewal application.

(6) Within 5 business days after a device is returned to service or placed in service, the original of a properly executed placed-in-service report, all applicable test or calibration data, and any official department rejection tag removed from the device must be mailed to the director at an address indicated on the tag.

(7) The director may deny, suspend, or revoke a registration for a violation of this act or rules promulgated under this act. Enforcement actions include, but are not limited to, the following:

- (a) Written warning.
- (b) Conference with the director.
- (c) Suspension of the registration.
- (d) Revocation of the registration.

(8) Before the suspension or revocation of a registration, the director shall notify the registrant in writing stating the reasons for the registration being subject to suspension or revocation and advising that the registration must be suspended or revoked 15 days after the sending of the notice unless the registrant files a request for a hearing with the department within that 15-day period. If a written request for a hearing is not filed within the 15-day period, the department shall suspend or revoke the registration.

(9) A notice under subsection (8) is considered properly served when it is personally delivered to the registrant or when it is sent by registered or certified mail, return receipt requested, to the registrant's last known address.

(10) Except as otherwise provided for in this act, the director may initiate an enforcement action against a registered serviceperson or registered service agency for any or all of the following:

(a) Failure of a weighing or measuring device during an official inspection within 30 days after being placed in service following an initial installation.

(b) Failure of a weighing or measuring device during an official inspection within 30 days after being placed in service following a major overhaul or repair that may or may not have been the result of an official condemnation by a weights and measures official.

(c) The return to commercial use of a device tagged "not sealed".

(d) Placing a device in service with improper or insufficient standards.

(e) Falsifying a placed-in-service report or test report.

(f) Placing in service or allowing to remain in service, without notifying the director, an incorrect weighing or measuring device.

(g) Failure to provide placed-in-service reports or other documentation as required by this section.

(h) Placing a device in service without having the proper certification as required by law.

(i) Failure to comply with a request for documents or other information related directly to a registration audit.

(j) Failure to submit a placed-in-service report for a weighing and measuring device found in an out-of-tolerance condition and returned to a condition as close to zero as practicable.

(k) Failure to properly seal a device.

(l) Failure to employ the use of an approved security seal that contains a unique identifying mark that is approved and is registered with the department.

History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002;—Am. 2012, Act 253, Imd. Eff. July 2, 2012;—Am. 2022, Act 273, Eff. Mar. 29, 2023.