

**TITLE 42
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF LABOR**

**SERIES 26
WEIGHTS AND MEASURES LABORATORY TESTING AND CALIBRATION
PROCEDURES AND FEES**

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§42-26-1. General.

1.1 Scope. -- This rule establishes the laboratory testing and calibration procedures and fees for weights and measures standards that are used to verify the accuracy of weighing and measuring devices used for commercial purposes.

1.2. Authority. -- W. Va. Code § 47-1-3(c) and §47-1-20.

1.3. Filing Date. -- April 22, 2015.

1.4. Effective Date. -- July 1, 2015.

§42-26-2. Application and Enforcement.

2.1. Application. This rule governs all persons, firms, corporations, government entities, materials and transactions covered by the provisions of W. Va. Code §47-1-1, et seq.

2.2. Enforcement. The enforcement of this rule is vested with the West Virginia Division of Labor or its designated representatives as authorized by W. Va. Code §47-1-3.

§42-26-3. Definitions.

3.1. "Certificate of conformance" means the document issued by the Weights and Measures Laboratory that certifies the accuracy of a working standard after it has been tested and calibrated.

3.2. "Commissioner" means the Commissioner of the West Virginia Division of Labor or his or her designee.

3.3. "Division" means the West Virginia Division of Labor.

3.4. "National Institute of Standards and Technology" or "NIST" refers to the federal technology agency that works with industry to develop and apply technology, measurements, and standards and whose address is 100 Bureau Drive, Gaithersburg, MD 20899.

3.5. "Primary standards" means the weights and measures standards that are traceable to the

United States prototype standards supplied by the federal government or approved as being satisfactory by the National Institute of Standards and Technology.

3.6. "Prover" or "prover standard" means a standard used to measure and verify the accuracy of a product's volume.

3.7. "Secondary standards" means the weights and measures standards used by the Weights and Measures Laboratory for testing, calibrating and certifying working standards.

3.8. "State Measurement Laboratory" or "Weights and Measures Laboratory" means the facility located at 570 MacCorkle Avenue West, St. Albans, WV 25177.

3.9. "Storage fee" means the fee charged by the Division to store working standards for 10 days or more after notification that the testing and calibration has been completed.

3.10. "Weight" or "weight standard" means a standard used to measure and verify the accuracy of a product's mass or quantity.

3.11. "Working standards" means the weights and measures standards that have been tested, calibrated and certified as accurate by the Weights and Measures Laboratory.

§42-26-4. Fees and Charges.

4.1. The Division shall charge laboratory testing and calibration fees for the testing of working standards according to the Fee Schedule in Appendix A.

4.2. The Division shall charge a \$25.00 cleaning fee in addition to any testing and calibration fee if a working standard must be cleaned before it can be tested or calibrated.

4.3. The Division shall charge a \$25.00 fee if the owner of the working standard does not give at least 48 hours notice of cancellation for a scheduled appointment.

4.4. The Division shall charge a comparable fee for metric standards as for customary standards as shown on the Fee Schedule in Appendix A.

4.5. The Division shall charge the fee shown on the Fee Schedule in Appendix A for the retesting of a rejected or condemned working standard.

4.6. When working standards are shipped to and from the Weights and Measures Laboratory, the owner of the working standard shall pay the shipping charges.

§42-26-5. Certification of Conformance of Working Standards.