




NEW MEXICO DEPARTMENT OF AGRICULTURE
Office of the Director/Secretary
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January 4, 2022

TO: Weights and Measures Service Establishments
and Service Technicians

FROM: Jeff M. Witte, Director/Secretary 

SUBJECT: Weights and Measures Law, Registration Requirements (SCS 2022 E-16)

This external policy supersedes SCS 2020 E-16 dated January 2, 2020.

Under authority granted by the Weights and Measures Law (Chapter 57-17-1 through 19, NMSA 1978 Compilation), the Board of Regents of New Mexico State University amended 21 NMAC 16.5, effective March 1, 2007. 21 NMAC 16.5 provides for the bonding and registration of service technicians and service establishments for commercial weighing or measuring devices. The application of 21 NMAC 16.5 to your business depends on the nature of your business. The following definitions are offered to clarify the application of the rule to your business.

- A. **Commercial weighing or measuring device** -- any device, commercially used or employed in establishing the quantity, weight, count, or size of products involving a monetary transaction or in computing any basic charge or payment for services rendered on the basis of weight or measure.
- B. **Full service establishment** - any person, firm, or company which for the purpose of direct or indirect benefit installs, services, repairs, or reconditions commercial weighing or measuring devices. (Bond required)
- C. **Limited service establishment** - any person, firm, or company which installs, services, repairs, or reconditions commercial weighing or measuring devices solely under its ownership. (No bond required)
- D. **Service technician** - any individual employed by a full or limited service establishment who installs, services, repairs, or reconditions commercial weighing or measuring devices.
- E. **Place in service** - to approve a new or used device for commercial use at the time of installation or after repair following official rejection by the New Mexico Department of Agriculture (NMDA).
- F. **Place in service report** - official report required to be submitted to NMDA at the time of installation of a new or used commercial device or when returning to commercial use a device that was officially rejected by NMDA.

21 NMAC 16.5 in no way precludes or limits the right and privilege of an individual to install, service, or repair a commercial device to be used by himself or his employer.

However, without registration, such individual is not permitted to place a device into commercial service or to remove official stickers or tags. Only devices placed in service by a registered service technician or by NMDA are legal for commercial use in New Mexico.

When placing a device into commercial service, the registrant is certifying that the device complies with applicable requirements set forth in *National Institute of Standards and Technology (NIST) Handbook 44*, as revised, and the Weights and Measures Law and associated rules. Copies of *NIST Handbook 44* are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402.

Registration as a full or limited service establishment requires annual calibration of test standards used to place devices into commercial service. Calibrations may be provided by the NMDA Metrology Laboratory or any metrology laboratory approved by NMDA. Calibration certificates are valid for twelve (12) months only. Because calibrations can be time consuming, they will be done by appointment only.

The annual license fee is one-hundred fifty dollars (\$150) per registered service establishment and fifty dollars (\$50) for each service technician registered by the full or limited service establishment. If the complete application for renewal of registration is not filed prior to the expiration of the current registration, a late registration fee of one hundred dollars (\$100) shall be charged in addition to the annual registration fees. All fees shall accompany the application for registration.

To become registered, or to re-register, complete the enclosed application, arrange for the required bond (full service registration only) and return the application and bond to NMDA accompanied by the registration fees and valid calibration certificate.

If you have any questions about this matter, please refer them to:

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JMW/rc