

TITLE 20: DEPARTMENT OF COMMERCE

**CHAPTER 20-90
WEIGHTS AND MEASURES REGULATIONS**

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Chapter Authority: 4 CMC §§ 5422 and 5429; Executive Order 94-3 § 208 (effective Aug. 23, 1994).

Chapter History: Amdts Adopted 26 Com. Reg. 21890 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21638 (Jan. 22, 2004); Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

Commission Comment: 1 CMC § 2451 originally created the Department of Commerce and Labor. 1 CMC § 2454 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

4 CMC §§ 5411-5443 govern weights and measures in the Commonwealth. These provisions give the Governor the authority to implement the law relating to weights and measures. See 4 CMC §§ 5421 and 5422. 4 CMC § 5422 grants the Governor power to issue reasonable regulations for the enforcement of the law. 4 CMC § 5429 allows the Governor to delegate his powers and duties related to weights and measures.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 §§ 103 and 208:

Section 103. Department of Commerce.

The Department of Commerce and Labor is re-designated the Department of Commerce.

...

Section 208. Weights and Measures. All functions of the Governor relating to weights and measures pursuant to Chapter 4 of 4 CMC, Division 5 [4 CMC §§ 5411, et seq.], are transferred to the Secretary of Commerce.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

Part 001 - General Provisions

§ 20-90-001 Regulatory Purpose

It is the intent of the Secretary of Commerce, in order to facilitate trade within the CNMI, permit fair competition among businesses, and to provide for uniform and sufficient protection to all consumers in commercial weights and measures practices, to establish a regulatory system to provide for a standardization through calibration and inspection, to the maximum extent possible, of weights and measures used for commercial purposes in the Commonwealth of the Northern

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Mariana Islands (“CNMI”) and to provide for certification of individuals engaged in public weighmastering in the CNMI who calibrate and inspect systems of weights and measures used for commercial purposes.

Modified, 1 CMC § 3806(f).

History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

§ 20-90-005 Regulatory References

The following reference materials, and where applicable, any potential annually issued updates, are to be utilized as the reference material by the CNMI Department of Commerce (“Commerce”), and application of the following reference materials, in the absence of any contradictory CNMI or federal statutes or regulations, is to be presumed in regulatory and administrative enforcement procedures by Commerce in the CNMI:

(a) United States Department of Commerce Technology Administration, National Institute of Standards and Technology Handbook 44, 1995 Edition, 228 Pages (October 1994) entitled: “Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices” as adopted by the 79th National Conference on Weights and Measures 1994 (Henry V. Opperman et al. eds., 1994), and available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325;

(b) United States Department of Commerce Technology Administration, National Institute of Standards and Technology Handbook 130, 1995 Edition, 176 Pages (December 1994) entitled: “Uniform Laws and Regulations” as adopted by the 79th National Conference on Weights and Measures 1994 (Joan A. Koenig et al. eds., 1994), and available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325; and,

(c) United States Department of Commerce Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards) Handbook 133 (Third ed. 1988), including Supplements 1 - 4, 460 Pages (September 1988) entitled: “Checking the Net Contents of Packaged Goods” as most recent adopted Supplement by the 77th National Conference on Weights and Measures 1992 (C. S. Brickenkamp et al. eds., 1988), and available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.

Modified, 1 CMC § 3806(f).

History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

Commission Comment: The 1995 Weights and Measures Regulations contained a footnote to the “National Bureau of Standards” in subsection (c) of this section as follows: “On August 23, 1988, the National Bureau of Standards became the National Institute of Standards and Technology when the Omnibus Trade and Competitiveness Act was signed.”

Part 100 - Weights and Measures; Regulation; Inspection

§ 20-90-101 Public Weighmaster Licensing

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(a) The Secretary of Commerce, or his designee, in the lawful performance of his duties pursuant to 4 CMC §§ 5422, 5429, is authorized to issue licenses to public weighmasters for a period two years provided the applicant for a public weighmaster license, pays \$100.00 fee, and qualifies for certification following:

- (1) The successful completion of an examination by a duly qualified CNMI commerce weights and measures enforcement officer; or
- (2) A review of the credentials of the applicant for a public weighmaster license indicates that the affected applicant is a duly qualified public weighmaster from another jurisdiction which follows or has adopted the United States Department of Commerce Technology Administration, National Institute of Standards and Technology Handbook 130, 1995 Edition, 176 Pages (December 1994) entitled: “Uniform Laws and Regulations ,” and the jurisdiction in question treats duly qualified CNMI licensed public weighmaster with reciprocal rights to act as public weighmaster therein.

(b) For the purposes of this section, a “public weighmaster” means any person who performs “public weighing” as defined as “the weighing, measuring, or counting, upon request, of vehicles, property, produce, commodities, or articles other than those that the weigher or his/her employer, if any, is either buying or selling.”

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

Commission Comment: The original paragraphs were not designated. The commission designated subsections (a) and (b).

In subsection (a)(2), the commission moved the comma after “Uniform Laws and Regulations” inside the closing quotation mark to correct a manifest error.

§ 20-90-105 Calibration/Inspection Authority

The Secretary of Commerce, or his designee, in the lawful performance of duties pursuant to 4 CMC § 5428, may enter and go into or upon, at any reasonable time, any structure or premise, or any other place commercial transactions are being conducted, in order to, pursuant to 4 CMC § 5423, inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale, and may inspect and test, to ascertain if they are correct, weights and measures commercially used:

- (a) To determine the weight, measurement, or count of commodities or things sold, or offered, or exposed for sale, on the basis of weight or measure;
- (b) In computing the basic charge or payment for services rendered on the basis of weight or of measure; or
- (c) In determining weight or measurement when a charge is made for such determination.

Modified, 1 CMC § 3806(f).

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History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

§ 20-90-110 Tagging, Sealing or Marking Apparatus

The Secretary of Commerce, or his designee, in the lawful performance of duties pursuant to 4 CMC § 5423, and following an inspection and testing, to ascertain if they are correct, weights and measures kept, offered, or exposed for sale, or commercially used weights and measures, shall approve for use and seal or mark with appropriate devices weights and measures as the Secretary of Commerce, or his designee, finds upon inspection and testing to be “correct” as defined in 4 CMC § 5423, and shall reject and mark or tag as “rejected” such weights and measures as the Secretary of Commerce, or his designee, finds upon inspection and testing to be “incorrect” as defined in 4 CMC § 5423.

History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

§ 20-90-115 Orderly System of Testing and Inspection

The Secretary of Commerce, or his designee, in the lawful performance of duties pursuant to 4 CMC § 5423, shall adopt a system of orderly weights and measures inspections, and in the absence of receipt of a complaint pursuant to 4 CMC § 5424, shall use best efforts to notify the public, at least one time, through a public notice in a newspaper of general circulation of the intended exercise of the inspection and testing obligation of the Secretary of Commerce, or his designee. Failure to notify the public, however, shall not affect the validity or admissibility of any test results in any proceedings initiated pursuant to the Administrative Procedure Act, 1 CMC §§ 9101, et seq.

Modified, 1 CMC § 3806(f).

History: Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

§ 20-90-120 License Fees and Other Charges

(a)	Weighmaster License	\$100.00
(b)	License Fee (Annually)	
(1)	Weighing and Measuring Scales	
(i)	Weigh scales; 1 - 30 lbs	\$25.00
(ii)	Weigh scales; 31 - 100 lbs	\$35.00
(iii)	Weigh scales; 101 - 500 lbs	\$45.00
(iv)	Weigh scales; 501 - 1,000 lbs	\$50.00
(v)	Weigh scales; 1,001 - 5,000 lbs	\$55.00
(vi)	Weigh scales; 5,000* - 10,000 lbs	\$200.00
(vii)	Weigh scales; over 10,000 lbs	\$300.00
(2)	Retail Motor Fuel	
(i)	Motor fuel; 0 - 1 gallon	\$25.00
(ii)	Motor fuel; 1 - 5 gallon	\$35.00
(iii)	Motor fuel; 5 - 500 gallon	\$75.00
(iv)	Retail motor fuel devices	\$50.00

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(3)	Hydrocarbon Gas Vapor Measuring Devices/ Mass Flow Meters	
(i)	Dry gases; 0 - 1 gallon/psi	\$25.00
(ii)	Dry gases; 1 - 5 gallon/psi	\$35.00
(iii)	Dry Gases; 5 - 500 gallon/psi	\$75.00
(4)	Linear Measures and Tolerance	
(i)	½ inch - 100 (½" 100')	\$20.00
(c)	Calibration, Testing and Inspection Charges	
(1)	Weighing and Measuring Scales	
(i)	Weigh scales; 1 - 30 lbs	\$15.00
(ii)	Weigh scales; 31 - 100 lbs	\$20.00
(iii)	Weigh scales; 101 - 500 lbs	\$25.00
(iv)	Weigh scales; 501 - 2,000 lbs	\$30.00
(v)	Weigh scales; 2,001 - 5,000 lbs	\$35.00
(vi)	Weigh scales; 5,000 - 10,000 lbs	\$100.00
(vii)	Weigh scales; 10,000 lbs & over	\$200.00
(2)	Retail Motor Fuel	
(i)	Motor Fuel; 0 - 1 gallon	\$15.00
(ii)	Motor Fuel; 1 - 5 gallons	\$25.00
(iii)	Motor Fuel; 5 - 500 gallons	\$50.00
(3)	Hydrocarbon Gas Vapor Measuring Devices/Mass Flow Meters	
(i)	Dry gases; 0 - 1 gallon/psi	\$10.00
(ii)	Dry gases; 1 - 5 gallon/psi	\$25.00
(iii)	Dry gases; 5 - 500 gallons/psi	\$50.00
(d)	Taxi/Meter per Calibration	\$25.00
(e)	Late Fee (if applicable)	
(1)	Weighing and Measuring Scales	
(i)	Weigh scales; 1-30 lbs	\$25.00
(ii)	Weigh scales; 31-100 lbs	\$35.00
(iii)	Weigh scales; 101-500 lbs	\$45.00
(iv)	Weigh scales; 501-1,000 lbs	\$50.00
(v)	Weigh scales; 1,001-5,000 lbs	\$55.00
(vi)	Weigh scales; 5,001-10,000 lbs	\$100.00
(vii)	Weigh scales; over 10,000 lbs	\$200.00

* So in original.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 26 Com. Reg. 21890 (Feb. 23, 2004); Amdts Proposed 26 Com. Reg. 21638 (Jan. 22, 2004); Adopted 17 Com. Reg. 13574 (July 15, 1995); Proposed 17 Com. Reg. 13548 (June 15, 1995).

Commission Comment: In the title to this section, the commission changed the word “chargers” to “charges” to correct a manifest error.

The 2004 amendments added new subsection (e).