

CHAPTER Agr 1400 WEIGHTS AND MEASURES

PART Agr 1401 WEIGHTS AND MEASURES DEFINITIONS

Agr 1401.01 Definitions. In Agr 1400 the following terms shall have the following meanings:

- (a) "Accredited laboratory" means any metrology laboratory recognized by the National Institute of Standards and Technology (NIST) State Laboratory Program or accredited by an internationally recognized accrediting body that is in conformance with the standards of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) including ISO/IEC 17025 and ISO/IEC 17011;
- (b) "As found" means the condition and accuracy of the device when first inspected or tested;
- (c) "As sealed" means the condition and accuracy of the device when sealed;
- (d) "Certification" means that a device has been inspected and tested, is legal for use and has been left in proper working condition. Certification is indicated by a colored certification stamp displaying the year and month the device was inspected and is placed conspicuously on the device by a registered New Hampshire service technician or division official;
- (e) "Certification stamp" means the state sticker applied to a device by a registered New Hampshire service technician or division official used to show that inspection and testing have proven a device correct. The term includes certification seal;
- (f) "Commercial use" means "commercial use" as defined in RSA 438:1, XII, namely, "used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, commodities, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight, measure, or count";
- (g) "Commissioner" means the commissioner of the New Hampshire department of agriculture, markets and food or the commissioner's designee;
- (h) "Correct" means that a device, in addition to being accurate, meets all applicable specifications, tolerances and technical requirements of NIST Handbook 44 as modified by administrative rule of the commissioner;
- (i) "Department" means the New Hampshire department of agriculture, markets, and food;

(j) "Division" means the division of weights and measures in the New Hampshire department of agriculture, markets and food;

(k) "Factory scale" means a scale used in the manufacture of a company's products;

(l) "Inspect" means to determine that a device meets specifications, tolerances and technical requirements of NIST Handbook 44 as modified by administrative rule of the commissioner;

(m) "National Institute of Standards and Technology (NIST)" means a non-regulatory federal agency within the Department of Commerce with a mission to promote United States innovation and industrial competitiveness by advancing measurement science, standards and technology;

(n) "National Voluntary Laboratory Accreditation Program (NVLAP)" means the arm of the NIST which regularly assesses the processes and standards used by the New Hampshire metrology laboratory for the purpose of accreditation pursuant to ISO/IEC 17025;

(o) "New Hampshire metrology laboratory" means the facility where the New Hampshire weights and measures standards are located;

(p) "Person" means 'person' as defined in RSA 438:1, I, namely, "individuals, partnerships, corporations, companies, societies, and associations;"

(q) "Pre-pack scale" means a scale specially designed for putting up packages of random weights in advance of sale;

(r) "Prover" means a cylindrical metal container designed to contain an exact amount of a liquid;

(s) "Registered service technician" means an individual who holds a valid certificate of registration from the department who, for hire, installs, services, repairs, reconditions, tests, seals, or calibrates a commercial weighing or measuring device;

(t) "Tare weight" means the weight of packaging materials, containers, vehicles or any other materials or items which are deducted from the gross weight to determine the net weight of a commodity; and

(u) "Test" means to review a device to determine whether it appears to function as required.

PART Agr 1402 PUBLIC WEIGHMASTERS

Agr 1402.01 Purpose. The purpose of Agr 1402 is to describe the procedures for individuals seeking to apply for a weighmaster license including the procedure for the initial application, examination requirements and the process for weighmaster license renewal.

Agr 1402.02 Licensure Requirement.

(a) Any person who, for hire or otherwise, uses a vehicle scale to weigh or measure any commodity or thing, or issues a statement or memorandum of weight or measure based on results obtained by using a vehicle scale in a commercial transaction, shall be licensed as a public weighmaster.

Agr 1402.03 Eligibility for Initial Public Weighmaster Licensure. Initial public weighmaster licenses shall be issued only to individuals who:

- (a) Are within 30 days of becoming 18 years of age, or older;
- (b) Are citizens or legal residents of the United States;
- (c) Have complied with the application procedures in Agr 1402.04; and
- (d) Have passed the written public weighmaster examination administered by the division.

Agr 1402.04 Application Procedures for Initial Public Weighmaster Licensure.

- (a) Each applicant for a public weighmaster license shall submit to the division:
 - (1) A completed form "Weighmaster Application Form" described in Agr 1402.05;
 - (2) Payment of the non-refundable license fee specified by Agr 1410.06(a) and modified in accordance with Agr 1402.07(d); and
 - (3) Payment of the non-refundable examination fee of \$20.00.
- (b) License and examination fees shall be paid:
 - (1) In person by:
 - a. Cash; or
 - b. Check, bank draft, or money order made payable to "Treasurer, State of New Hampshire"; or

(2) By mail by check, bank draft, or money order made payable to "Treasurer, State of New Hampshire".

(c) Any person who pays any license or examination fee with a check, draft or money order that is returned as uncollectible shall be charged, in addition to the amount of the check, draft or money order, the fee called for by RSA 6:11-a.

Agr 1402.05 Initial Public Weighmaster License Application Form.

(a) Any person who wishes initial licensure as a public weighmaster shall apply by completing and submitting form "Weighmaster Application Form."

(b) Only the original of the completed form shall be submitted and copies of the completed form shall not be accepted.

(c) The applicant shall supply the following:

(1) The date;

(2) The applicant's name, including last, first and middle;

(3) The applicant's residence address, including street, city, state, and 9-digit zip code;

(4) The applicant's mailing address, if different from the address for (3) above;

(5) The applicant's residential telephone number;

(6) The applicant's date of birth;

(7) The applicant's driver's license number and state and county of issuance;

(8) The applicant's e-mail address;

(9) If the applicant has held a public weighmaster license under another name, that other name;

(10) If the applicant has lived fewer than 5 years at the current address, the applicant's residential addresses for the past 5 years, including street, city, state, and 9-digit zip code;

(11) For the applicant's present employer:

a. The contact person;

b. The telephone number;

- c. The fax number;
- d. The toll-free telephone number;
- e. The e-mail address, if available;
- f. The name of the business;
- g. The business's address, including street number, city, state, 9-digit zip code and county; and
- h. The business's mailing address if different from the address for g. above;

(12) For the applicant's most recent previous employer for which the applicant held a public weighmaster license:

- a. The name of the business; and
- b. Its address, including street number, city, state and 9-digit zip code; and

(13) The type of weighing or measuring equipment used, including:

- a. Manufacturer;
- b. Model number;
- c. Serial number;
- d. Capacity;
- e. Type of indicator;
- f. Length of deck;
- g. Date weighing or measuring equipment was last certified; and
- h. The name of the company which certified the scale.

(d) On a separate page the applicant shall supply his or her social security number on the space provided beneath the following preprinted notice:

"The Commissioner of the Department of Agriculture, Markets and Food will deny licensure if you refuse to submit your social security number (SSN). Your license will not display your SSN. Your SSN will not be made available to the public.

The Commissioner is required to obtain your social security number for the purpose of child support enforcement in compliance with 42 USC 666(a)(13) and RSA 161-B:11. This collection of your social security number is mandatory.

(e) The applicant shall read, sign, and date "Weighmaster Application Form", which states:

"I certify that I have in my possession a current copy of the public weighmaster rules and that I shall operate in accordance with these rules.

I certify that there are no willful misrepresentations, falsifications or material omissions in the information provided on this application.

I understand that, if an investigation discloses any willful misrepresentations, falsifications or material omissions, my application will be rejected.

I understand that, if an investigation after issuance of my public weighmaster license should disclose any willful misrepresentations, falsifications or material omissions, the license will be invalid and I will be subject to an administrative fine under RSA 438:40, IV and possible prosecution under RSA 641:2."

(f) Each applicant shall have in his or her possession prior to the issuance of an initial public weighmaster license his or her own personal copy of the current weights and measures rules, Agr 1400.

(g) The meaning of the signature required by (e) above shall be the applicant's:

(1) Certification that he or she possesses a copy of the public weighmaster rules;

(2) Promise that he or she will operate in accordance with them;

(3) Certification that there are no willful misrepresentations, falsifications, or material omissions in the information provided on the application form;

(4) Statement of understanding that if an investigation discloses any willful misrepresentations, falsifications or material omissions, the application will be rejected; and

(5) Statement of understanding that, if an investigation after issuance of a public weighmaster license to the applicant should disclose any willful misrepresentations, falsifications or material omissions, the license will be invalid and the applicant will be subject to an administrative fine under RSA 438:40, IV and possible prosecution under RSA 641:2.

Agr 1402.06 Public Weighmaster Examination.

- (a) Each applicant shall appear for a written examination scheduled by an examinations officer of the division before any license is issued.
- (b) A passing score of 70 percent shall be attained before a license is issued.
- (c) When an applicant fails to achieve a minimum score of 70 percent, the applicant may request to take the exam again upon payment of the re-examination fee of \$20.00.
- (d) Applicants who fail to achieve a test score of 70 percent shall not be retested more than once during any consecutive 7 day period.

Agr 1402.07 Duration of Public Weighmaster Licenses; Proration of Fees for Initial Licensure; Duration of Renewed Licenses; Fees for Renewal of Licensure.

(a) The duration of an initial public weighmaster license issued to an individual not working for a business employing other public weighmasters shall be calculated as follows:

(1) The beginning date shall be the first of the following dates after the applicant passes the weighmaster examination:

- a. March 31;
- b. June 30;
- c. September 30; or
- d. December 31; and

(2) The ending date shall be the anniversary of the beginning date falling in the next odd-numbered year.

(b) The duration of an initial public weighmaster license issued to an individual working for a business employing other public weighmasters shall begin and end on dates previously established for the business by the division.

(c) Initial public weighmaster licenses shall be issued for a period of not fewer than 15 months and not more than 27 months.

(d) The fee specified by Agr 1410.06(a) for an initial public weighmaster license shall be affected by the actual duration of the license as follows:

- (1) Reduced by 1/24 for each month that the duration of the license is short of 24 months; and

(2) Increased by 1/24 for each month that the duration of the license exceeds 24 months.

(e) Renewed public weighmaster licenses shall have a duration of 24 months.

(f) The fee for renewal of a public weighmaster license shall be as specified by Agr 1410.06 (b).

Agr 1402.08 Renewal of Public Weighmaster Licenses.

(a) Applications for renewal of public weighmaster licenses shall be submitted no later than 10 days prior to the expiration of the licenses being renewed.

(b) Public weighmasters applying for renewal of their licenses shall:

(1) Follow the application procedures in (c) below; and

(2) Submit payment of the renewal fee to the division.

(c) The application procedures shall require applicants for renewal to:

(1) Review the "Renewal Application –Weighmaster License Rev. 01/05" form as it is provided by the division;

(2) Correct any preprinted information which is incorrect; and

(3) Submit the form to the division after signing and dating the form in the space provided beneath the same preprinted statement as the preprinted statement described in Agr 1402.05(d).

Agr 1402.09 Reinstatement of Expired Licenses.

(a) Licenses that have expired shall not be renewed.

(b) Individuals whose licenses have expired and who wish to be licensed again shall:

(1) Comply with the initial licensing application requirements specified in Agr 1402.04; and

(2) Retake the written public weighmaster examination.

Agr 1402.10 Grounds for Denial of Initial or Renewed Licenses. The commissioner shall deny the application of any person for the issuance or renewal of a public weighmaster license if the commissioner determines that such applicant:

- (a) Has made a willful misrepresentation or falsification on the application form;
- (b) Has made a material omission on the application form;
- (c) Has failed to pay any charge, fee, administrative fine, or civil or criminal penalty for a violation of Agr 1400 or RSA 438 which is due to the department or to a court arising out of proceedings brought by the division; or
- (d) Has failed to comply with an order or finding by the commissioner.

Agr 1402.11 Notice of Denial. The commissioner shall send a notice of the denial of an application for an initial license or renewal of a license by certified mail to the last known address of the applicant or licensee.

Agr 1402.12 Hearings. Every applicant for, or holder of, a public weighmaster license shall be entitled to a hearing pursuant to Agr 200 if his or her application for an initial license or for license renewal is denied.

Agr 1402.13 Obligation to Notify the Commissioner of Changes.

- (a) Public weighmasters who are self-employed and change the name of their businesses, or are employees of businesses that change their business names, shall notify the commissioner in writing of such changes within 10 days of the effective date.
- (b) Public weighmasters who change their residential or mailing addresses shall notify the commissioner in writing of such changes within 10 days of the change.

PART Agr 1403 PUBLIC WEIGHMASTER RESPONSIBILITIES

Agr 1403.01 Definitions. In Agr 1403 the following terms shall have the following meanings:

(a) "Gross weight" means a single or total weight after combining the tare weight and the net weight;

(b) "Net weight" means the weight of a commodity excluding any materials, substances or items not considered to be part of the commodity, such as containers, conveyances, bags, wrappers, decorative accompaniments, and coupons;

(c) "Split weighing" means the weighing of a vehicle, or combination of vehicles, that is longer than the scale deck, without disconnecting the components of the vehicle and weighing each component separately to determine the gross weight, tare weight, and net weight of the vehicle or combination of vehicles; and

(d) "Weight certificate" means a document or statement which uses a unit of weight or measure, such as pounds, tons, gallons, cubic yards, or kilograms, to identify the quantity weighed or measured.

Agr 1403.02 Licensure Requirement.

(a) Any person performing any of the functions of a public weighmaster shall have a currently valid license.

(b) A current list of licensed weighmasters shall be provided on the division's website.

Agr 1403.03 Weighing, Measuring or Counting. Except as otherwise provided in these rules, public weighmasters shall view, whether personally, electronically, or by other reasonable means, the weight of the vehicle, container, pallet or commodity for which the weight, measure or count is being certified at the time of, and for the purpose of, each certification.

Agr 1403.04 Weight Certificates; How to Record Weights.

(a) Public weighmasters shall complete all weight certificates using black ink or black type.

(b) Digital indicators used by public weighmasters shall be equipped with electronic recording elements.

(c) Public weighmasters using digital indicators equipped with electronic recording elements that determine the gross, tare, or net weight or any combination thereof shall electronically print each weight entry on the weight certificate.

Agr 1403.05 Weight Certificates; Required Entries. Public weighmasters shall provide the following, as applicable to the transaction, on each weight certificate:

- (a) The date on which the weight, measure, or count was determined;
- (b) The street address or location and the municipality where the weighing, measuring, or counting occurred;
- (c) The complete signature of the public weighmaster who determined each weight, measure or count, whether handwritten or electronically imprinted, or the weighmaster's license number issued by the division;
- (d) The kind of commodity and any other information that might be necessary to identify the commodity or distinguish it from a similar commodity;
- (e) The name of the owner or the owner's agent, and, if applicable, the name of the purchaser or broker;
- (f) The tare weights of, and the description of, any boxes, bins, pallets, or other containers;
- (g) When a vehicle or combination of vehicle and trailer is weighed for the purpose of issuing a weight certificate, the license plate number and state where the vehicle or combination is registered;
- (h) The unit of weight or measure, such as pounds, tons, gallons, or kilograms, used to identify the quantity; and
- (i) At least one of the following:
 - (1) The gross weight of the commodity and the vehicle or container, if only the gross weight was determined;
 - (2) The tare weight of the unladen vehicle or container, if only the tare weight was determined;
 - (3) The gross, tare, and net weights when a gross and tare are used in determining the net weight; or
 - (4) The true net weight, measure or count when no gross and tare weights are involved in determining the net quantity of the commodity.

Agr 1403.06 Retention of Copies of Weight Certificates.

(a) Each public weighmaster shall keep and preserve for a period of 2 years all copies of voided certificates and a true legible copy of each weight certificate issued.

(b) These records shall be available for inspection by any inspector of the division of weights and measures during normal business hours.

Agr 1403.07 Weight Certificate; Partial Entries.

(a) If the weight certificate provides for the entry of gross, tare, and net weights, and the public weighmaster determines only the gross weight or the tare weight or the net weight, the public weighmaster shall strike through or otherwise cancel the printed entries for the weights not determined or computed.

(b) If the weight certificate does not provide for the entry of a tare weight or net weight, and in any case in which a public weighmaster determines only a gross weight, the public weighmaster shall write across the face of the certificate, or issue a preprinted certificate stating, "no other weights have been computed".

Agr 1403.08 Scrap Metal and Salvage Materials. In all cases where scrap metal and salvage materials are purchased or sold using a vehicle scale, the quantity of the scrap metal and salvage material shall be determined by a licensed public weighmaster, and a weight certificate shall be issued to the buyer or seller.

Agr 1403.09 Requirement That Entire Vehicle Rest On Scale's Platform.

(a) Public weighmasters shall not weigh a vehicle or combination of vehicles for certification unless the entire vehicle or connected combination of connected vehicles is resting entirely on the scale platform.

(b) When weighing a combination of vehicles that will not rest entirely on the scale platform at one time, the combination shall be disconnected and the parts weighed separately. The weights determined by this procedure shall be combined for the purpose of issuing a single certificate.

(c) Public weighmasters shall not do split weighing except in the determination of axle and road weights for road weight limit purposes.

(d) The requirement that the entire vehicle rest on the scale platform shall not apply to the weighing of motor vehicles required by RSA 266:17.

Agr 1403.10 Change of Net Contents After Recordation of Weight. When the weight or measure of a vehicle, container, or pallet and its net contents have been recorded on a weighmaster certificate, a public weighmaster shall not remove a part of, or add to, the net contents before the contents are delivered to the purchaser or broker, unless the public weighmaster:

- (a) Writes across the face of the original certificate the word "INCORRECT";
- (b) Issues a corrected certificate to all parties who were issued the original certificate; and
- (c) Writes on the corrected certificate the original certificate number and the reason for the correction.

Agr 1403.11 Correction of Weight, Measure or Count Certificates. If, after a certificate has been issued, an error is discovered on the certificate regarding the weight, measure, or count, the public weighmaster who issued the certificate shall make the following corrections:

- (a) Write across the face of the original certificate the word "INCORRECT";
- (b) Issue a corrected certificate to all parties who were issued the original certificate; and
- (c) Write on the corrected certificate the original certificate number and the reason for the correction.

Agr 1403.12 Alteration of Tare Weight of Vehicle Prior to Determining Net Weight of Commodity. When the tare weight of a vehicle or the weight of the vehicle and its contents have been recorded on a weight certificate, no person shall alter the tare weight of the vehicle prior to the time that the net weight of the commodity has been determined and recorded on the certificate.

Agr 1403.13 Adjustments to Load; Commodity Weights Determined at Sites Other Than the Site Where the Vehicle Was Loaded. The following information, additional to the information otherwise required, shall appear on a weight certificate issued when adjustments are made to the load and the weights are determined at a site other than the site where the vehicle was loaded:

- (a) The gross weight of the commodity and the vehicle at the time of the initial weighing;
- (b) The gross weight of the commodity and the vehicle after the adjustment; and
- (c) The name and address of the owner or the owner's agent and the name of either the purchaser or broker of the commodity.

Agr 1403.14 Predetermined Tares Prohibited. Public weighmasters shall not determine or establish a standard or average tare weight for a vehicle, container, or pallet for any purpose, or use a predetermined tare weight in any weighing.

Agr 1403.15 Weight Verification. Pursuant to the commissioner's authority in RSA 438:7, any person ordered by a division inspector to proceed to a specified scale for the verification of the weight of vehicles or commodities shall comply.

Agr 1403.16 Prohibitions. A licensed public weighmaster shall not:

- (a) Work as a public weighmaster without being currently licensed with the division;
- (b) Transfer the public weighmaster license to any other person, or permit another person to use it;
- (c) Manufacture, advertise for sale, sell or possess any fictitious, facsimile or simulated public weighmaster license that could be mistaken for a valid license;
- (d) Pre-sign weight certificates for future use;
- (e) Make changes or alterations on weight certificates when an error has been discovered;
- (f) Make a handwritten weight entry on a weight certificate if the scale is equipped with a printer that is functioning correctly;
- (g) Make an entry on a weight certificate that was issued by any other person;
- (h) Enter on a weight certificate values or other data that have not been personally determined, whether by use of the public weighmaster's physical senses or electronically captured;
- (i) In a direct sale, use a scale equipped with a primary indicating element when the indications are so positioned they cannot be accurately read from some reasonable customer position;
- (j) Use a weighing or measuring device that is not currently licensed and certified as required by Agr 1407;
- (k) Issue a weight certificate when the weight of the item being weighed exceeds the rated weight capacity of the scale;
- (l) Use a scale to weigh a load when the gross weight or net weight exceeds the rated capacity of the scale;
- (m) Issue a weight certificate for the gross weight, net weight, or tare weight of a vehicle which exceeds the gross weight limits set forth in RSA 266:18;

- (n) Use a vehicle scale to weigh net loads smaller than an amount equal to 50 scale divisions for all weighings except for weighings of solid waste as that term is defined in RSA 149-M:4, XXII;
- (o) Falsify a weight certificate;
- (p) Issue upon request of any person a false or incorrect weight certificate;
- (q) Alter a weight certificate by adding the gross or tare or net weight, or add any combination of gross or net or tare weight, to the weight certificate which was not recorded at the time of weighing or measuring;
- (r) Alter a weight certificate by deleting the gross or tare or net weight or any combination of gross or net or tare weight which was recorded on the weight certificate;
- (s) Possess an incomplete or unused weight certificate that contains the electronically imprinted signature of another public weighmaster, unless engaged in the business of printing, distributing, or selling public weighmaster certificate forms;
- (t) Possess an unused weight certificate unless licensed as a public weighmaster or engaged in the business of printing, distributing, or selling weighmaster certificate forms;
- (u) Possess an incomplete or partially completed weight certificate signed by a public weighmaster;
- (v) Complete, partially complete or issue a weight certificate with an electronically imprinted signature of another public weighmaster; or
- (w) Complete, partially complete or issue a weight certificate with a hand printed signature of another public weighmaster.

New Hampshire Division of Weights and Measures

TRUCK SCALE MAINTENANCE: Preparing for & Dealing with Winter & Freezing Temperatures

The Division of Weights and Measures would like to remind vehicle scale owners and operators of some important information pertaining to vehicle scale maintenance in the winter months. By following these maintenance guidelines, scales will perform better and binding issues may be reduced during the winter and freezing temperatures.

The following information was provided by a licensed NH service technician.

As part of ongoing truck scale maintenance, it is important to clean out any debris under the truck scale. This debris may include a buildup of silt, mud, and dirt that accumulates between the concrete piers/slab and the bottom of the scale and between the scale and the end walls.

The scale deck is designed to move freely without any obstruction. Although it is not visible with the naked eye, when weight is applied to a scale, the scale deck moves in a downward direction because of the force applied to the load cells or lever system. If there is any buildup of debris under the truck scale, which is up against the scale deck, the weights will be incorrect and will result in a light reading.

It is especially important to clean out under the scale before winter and freezing temperatures arrive. The silt/dirt buildup almost always retains moisture. If the buildup is not removed, it will freeze and the "clean out" and "down time" will be at least twice as long and twice as expensive. Calcium chloride should not be used to melt the ice because it may cause damage to concrete foundation/piers.

When removing snow from the top of the scale, shovels and snow blowers are the best option. If a plow is used to remove snow from the vehicle scale, the plow should be used from end to end, not side to side. Scales are designed to move end to end and the bumper bolts will help restrict the end to end movement. Also, leave the plow blade up a bit so the plow will not damage any plates/covers over the load cell cavities or the gap between the scale and the end wall.

Should you have any other questions, please contact the Division of Weights and Measures at (603) 271-3700.

New Hampshire
*Department of Agriculture,
Markets & Food*

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 438

STANDARDS FOR WEIGHTS AND MEASURES

Section 438:40

438:40 Offenses and Penalties. –

I. It shall be unlawful for any person to:

- (a) Use or have in possession for the purpose of using for any commercial purpose specified in RSA 438:10, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.
- (b) Use or have in possession for the purpose of current use for any commercial purpose specified in RSA 438:10, a weight or measure that does not bear a seal or mark such as is specified in RSA 438:14, unless such weight or measure has been exempted from testing by the provisions of RSA 438:10 or by a rule of the commissioner adopted under the authority of RSA 438:8 or unless the device has been replaced in service as provided by a rule of the commissioner adopted under the authority of RSA 438:8.
- (c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or rule.
- (d) Remove from any weight or measure, contrary to law or rule, any tag, seal, or mark placed thereon by the appropriate authority.
- (e) Sell, or offer or expose for sale, less than the quantity represented of any commodity, thing, or service.
- (f) Take more than the quantity he represents of any commodity, thing, or service, when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.
- (g) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or rule.
- (h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.
- (i) Use commercially any device which has not been licensed in accordance with RSA 438:7, VI.
- (j) Violate any provision of RSA 438 or of the rules adopted under the provisions of RSA 438.

II. Any person who, by himself or by his servant or agent, recklessly performs any act prohibited, other than by rule, under this chapter shall be guilty of a misdemeanor. Any individual, acting as the servant or agent of another person, who knowingly performs any act prohibited, other than by rule, under this chapter shall be guilty of a misdemeanor. A subsequent violation of this chapter perpetrated by anyone other than a natural person shall be a felony.

III. Any person who, by himself or by his servant or agent, or as the servant or agent of another person violates any rule adopted under RSA 438:8 shall be guilty of a violation.

IV. In addition to any other penalty imposed under this chapter, any person who violates any provision of RSA 438, or any rule or order of the commissioner, may be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

Source. 1985, 72:1. 1989, 324:15, 16. 1990, 217:1. 1994, 100:7, eff. July 10, 1994.

TITLE XXI

MOTOR VEHICLES

CHAPTER 266

EQUIPMENT OF VEHICLES

Weight

Section 266:18

266:18 Weight on Interstate and Defense Highway System. –

The driving on the interstate and defense highway system of this state of any vehicle or combination of vehicles exceeding the limitations of this section is hereby prohibited.

I. Maximum tire and axle gross weights allowable:

(a) The manufacturer's load rating for the tires.

(b) When being driven with a gross weight in excess of 73,280 pounds:

(1) 20,000 pounds per axle on axles more than 8 feet apart;

(2) 17,000 pounds per axle on axles not more than 8 feet apart;

(c) When being driven with a gross weight not in excess of 73,280 pounds:

(1) 22,400 pounds per axle on 3-axle single unit vehicles and on all other vehicles with axles 10 feet or more apart, including combination vehicles;

(2) 18,000 pounds per axle on axles of vehicles less than 10 feet apart, except 3-axle single unit vehicles.

(d) Two axles less than 40 inches apart shall be considered as a single axle unit.

II. Maximum allowable vehicle gross weights:

(a) For 2-axle vehicles, 33,400 pounds.

(b) For single unit 3-axle vehicles, 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (h), whichever is greater, as shown in table III.

(c) For single unit 4-axle vehicles, provided that such vehicles shall have drive on 2 rear axles, and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic, or mechanical means, and be equipped with brakes:

(1) 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (h), whichever is the greater; or

(2) If a heavy duty recovery vehicle, 75,000 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (h), whichever is the greater.

(d) For a single unit 5-axle heavy duty recovery vehicle, 80,000 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (h), whichever is the greater. Such vehicles shall have drive on 2 rear axles, and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic, or mechanical means, and be equipped with brakes.

(e) For a combination of truck-tractor and semi-trailer equipped with 3 axles, the gross weight shall not exceed that set forth in table I as follows:

Table I.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
25	54,500
26	55,500
27	56,000
28	57,000
29	57,500
30	58,500
31	59,000
32	60,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (h).

(f) For a combination of truck-tractor and semi-trailer equipped with 4 axles, the gross weight shall not exceed that set forth in table II as follows:

Table II.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
28	60,500
29	61,500
30	62,000
31	62,500
32	63,500
33	64,000
34	64,500
35	65,500
36	66,000
37	66,500
38	67,500
39	68,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply, and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (h).

(g) For a combination of truck-tractor and single semi-trailer with 5 or more axles with gross weight not in excess of 73,280 pounds, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds.

(h) For a combination of truck-tractor and single semi-trailer equipped with 5 or more axles with a gross weight in excess of 73,280 pounds or a combination of truck-tractor and more than one trailing unit, the total gross weight shall not exceed 80,000 pounds including all law enforcement tolerances,

and the overall gross weight on a group of 2 or more consecutive axles shall not exceed that produced by application of the following formula, known as the weight formula:

$$W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$$

(In which W equals overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds; L equals the distance measured to the nearest foot between the extreme of any group of 2 or more consecutive axles; and N equals the number of axles in the group under consideration.)

Except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more and provided that such gross weight shall not exceed 80,000 pounds, including all law enforcement tolerances.

The formula $W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$

when expressed in tabular form results in maximum allowable load in pounds carried on any group of 2 or more consecutive axles as follows in table III.

Table III.

Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				
more than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	

22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
**36		66,000	70,500	75,500	
**37		66,500	71,000	76,000	
**38		67,500	71,500	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

* Distance in feet between the extremes of any group of 2 or more consecutive axles.

** Distance in feet between the extremes of 4 axles. (2 sets of 2 axles) 68,000 gross weight exception. The permissible loads are computed to the nearest 500 pounds.

(i) The following loaded vehicles shall not be driven over H15-44 bridges:

(1) A combination vehicle equipped with 5 axles in the configuration of 3-axle truck-tractor and 2-axle semi-trailer with wheel base less than 38 feet or 2-axle truck-tractor with 1-axle semi-trailer and 2-axle full trailer with wheel base less than 45 feet.

(2) A loaded single unit vehicle with full trailer equipped with axles with wheel base less than 45 feet.

(3) Vehicles with 7, 8, or 9 axles.

(j) Coupled vehicles consisting of a truck together with a trailer attached to the truck by a pintle hook or similar coupling device with adequate breakaway protection as provided in RSA 266:63 may be driven, provided the total combined gross weight of the vehicles does not exceed 80,000 pounds and provided that each unit of the coupled vehicles shall be limited to the maximum permissible axle weights and gross weights of the individual units, and further provided that the weight of 2 or more consecutive axles of the coupled vehicle shall not be in excess of that produced by application of the weight formula as defined in subparagraph (h) and shall be limited to a total combined gross weight not in excess of 80,000 pounds, a single axle limit of 20,000 pounds and a tandem axle limit of 34,000 pounds.

III. Notwithstanding paragraphs I and II, for as long as exemptions exist in 23 U.S.C. section 127 that allow maximum gross weights of up to 99,000 pounds on interstate routes 89, 93, and 95 of the interstate and defense highway system, the provisions of RSA 266:18-a regarding weight on the non-interstate and general highway system shall also apply to vehicles or combination vehicles while being operated on any sections of interstate routes 89, 93, or 95 not posted by the commissioner of transportation for lower weights. Such vehicles shall not exceed the weight limits in paragraphs I and II unless they have been certified pursuant to RSA 266:18-d for the higher weights and paid the required fee the same as vehicles operating on the non-interstate highways as provided in RSA 266:18-d.

Source. 1921, 119:25. PL 103:22. 1927, 77:1. 1929, 33:1. 1933, 157:1. 1935, 133:1. 1937, 82:1. 1939, 131:1. 1941, 169:1. RL 119:37. 1947, 11:1. 1949, 104:1. 1950, 11:1, 2. 1951, 20:11. RSA 263:61. 1955, 230:1; 310:2. 1963, 189:1, 3; 202:1. 1973, 468:2. 1977, 487:1, 2. 1979, 219:1; 220:2; 239:1; 358:12. 1981, 55:1; 146:1. 1983, 434:15. 1986, 121:2. 1987, 404:20. 2005, 203:9, eff. July 1, 2005. 2018, 74:2, eff. July 24, 2018.