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Issuance of Type Approval for Weights and Measures Devices

Sec. 43-3-1. Definitions

(a) **Accurate** — A piece of equipment is “accurate” when its performance or value, that is, its indications, its deliveries, its recorded representations, or its capacity or actual value, as determined by tests made with suitable standards conforms to the standard within applicable tolerances and other performance requirements of the State of Connecticut.

(b) **Correct** — A piece of equipment is “correct” when, in addition to being “accurate,” it meets all applicable statutory, regulatory, and technical requirements of the State of Connecticut, including those set forth in National Institute of Standards and Technology Handbook 44, as amended from time to time.

(c) **Novel** — A piece of equipment is “novel” when its pattern or design is not substantially identical to that of a device previously given type approval by the Commissioner.

(d) **Test** — A “test” shall be an examination according to procedures and standards established by or modeled after those in the National Institute of Standards and Technology Handbooks 44 and 112, as from time to time amended, of the United States Department of Commerce.

(e) **Type approval** — The term “type approval” means an approval granted to a device manufacturer or distributor by the Commissioner covering a specific type of weighing or measuring equipment, which, for purposes of identification, is assigned a designation that positively identifies the model, pattern, or design of the device.

(f) **National type evaluation program.** The term “National Type Evaluation Program” shall be construed to mean a program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the States, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” National Institute of Standards and Technology Handbook 105-1, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F),” National Institute of Standards and Technology Handbook 105-2, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask,” or National Institute of Standards and Technology Handbook 105-3, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards.”

(g) **Type evaluation.** The term “type evaluation” shall be construed to mean the testing, examination, and/or evaluation of a type by a Participating Laboratory under the National Type Evaluation Program.

(h) **Type.** The term “type” shall be construed to mean a model or models of a particular measurement system, instrument, element, or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.

(i) **Participating laboratory.** The term “Participating Laboratory” shall be construed to mean any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for

the Certification of Capability of State Measurement Laboratories, to conduct a type evaluation under the National Type Evaluation Program.

(j) **Certificate of conformance.** The term “Certificate of Conformance” shall be construed to mean a document issued by the National Institute of Standards and Technology based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, 105-3.

(Effective December 21, 1992)

Sec. 43-3-2. Type approval requirement

No novel weighing or measuring device shall be sold, offered for sale or used in the state unless that device is given type approval by the Commissioner. Said type approval shall be granted by the Commissioner upon his determination that the design or pattern of the device is such that it will perform accurately and correctly as defined in Sec. 43-3-1.

(Effective July 5, 1979)

Sec. 43-3-3. Exceptions to type approval requirement

Type approval shall not be required when:

(a) In the case of an individual device, the Commissioner permits the sealing of the device for testing purposes, or to prevent economic hardship;

(b) The Commissioner deems the device or piece of equipment to be of such simple design and predictable response that considerations beyond the accuracy and correctness of individual devices are unnecessary; or

(c) The device has received a certificate of conformance in accordance with the national type evaluation program.

(Effective July 25, 1984)

Sec. 43-3-4. Requirement of testing and finding of accuracy and correctness

No municipal sealer of weights and measures or state inspector of weights and measures shall seal any weight, measure, or weighing or measuring device, pursuant to Connecticut General Statutes, Section 43-1, unless it has been tested and found accurate and correct.

(Effective July 5, 1979)

Sec. 43-3-5. Adoption of standards for Connecticut

The National Institute of Standards and Technology Handbooks 112 and 44, as from time to time amended, of the United States Department of Commerce, are adopted, and herein incorporated by reference, as setting forth standards for this state.

(Effective December 21, 1992)

Sec. 43-3-6. Opportunity for hearing

Before denying, suspending, or revoking type approval of a device, the Commissioner, upon request, shall afford the applicant an opportunity for hearing in accordance with the provisions of Chapter 54 of the General Statutes.

(Effective July 5, 1979)

Sec. 43-3-7. Fees for calibration services

(a) The fees for calibration services performed in the laboratory by Department of Consumer Protection employees and the fees for testing laboratory balances are set forth in the following schedule. No fees shall be charged for any calibration services provided pursuant to Connecticut General Statutes, Section 43-50.

(b) The fees for tolerance testing for weights opened, clean and ready for testing shall be:

(1) Weights over 50 pounds (25 kg) and up to 1,000 pounds (500 kg), \$25.00 each;

(2) Weights over 2 pounds (1 kg) and up to and including 50 pounds (25 kg), \$13.00 each;

(3) Weights 2 pounds and under (less than 1 kg and under), \$7.00 each;

(4) 10 to 32 pound weight kits (4 kg to 16 kg weight kits) not exceeding 26 pieces, \$95.00 per kit; and

(5) Other weight kits consisting of 16 pieces or less and individual weights not exceeding 5 pounds (2 kg), \$70.00 per kit.

(c) Calibration for mass (apparent mass and values found), length and volume, other than those services specified in subsection (b), the testing of laboratory balances, the testing of weights requiring special handling, and any other service shall be performed at a rate of \$75.00 per hour.

(d) Certification of traceability to the National Institute of Standards and Technology (NIST) on calibrations of weights shall be provided by the Commissioner for a fee of \$30.00 per weight or set of weights.

(e) The minimum charge for any calibration services under this schedule is \$75.00.

(f) The Department shall have the discretion to reject items for testing if they are not fully prepared for testing by the owner. The owner must supply lead sealing plugs for all weights 500 pounds (200 kg) and over.

(Effective May 27, 1992)

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Method of Sale of Commodities

Sec. 43-3a-1. Adoption of regulations of national conference

The uniform regulation for the method of sale of commodities adopted and amended from time to time by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, as amended, of the United States Department of Commerce are adopted, and herein incorporated by reference, as standards for this State.

(Effective December 6, 1995)

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Last Sale Dates for Retail Products**Sec. 43-8a-1. Adoption of uniform open dating regulation. Exception**

The voluntary version of the Uniform Open Dating Regulation, adopted and amended from time to time by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, as amended, of the United States Department of Commerce is adopted, and herein incorporated by reference, as the standard for this state. Those dairy foods that are required to be marked with a last sale date pursuant to Connecticut General Statutes Section 22-197b shall be exempted from the Uniform Open Dating Regulation.

(Adopted effective September 3, 2010)

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Sale of Hardwood Pellets

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Sale of Hardwood Pellets

Sec. 43-27-1. Sale of hardwood pellets

(a) For the purpose of this section, the term “hardwood pellets” means a processed wood product containing the pieces, remnants, sawdust, or any combination thereof, of hardwood trees or lumber that has been compressed or otherwise formed into relatively uniform shapes for use in stoves or hearths for the purpose of heating homes or structures. Additional ingredients within said pellets may include switchgrass, other types of grass, or other organic materials.

(b) Hardwood pellets offered for sale within this state shall be sold by weight. The unit of measure shall be the pound. All packages of hardwood pellets shall have a net weight declaration and be subject to unit pricing pursuant to sections 21a-73 through 21a-77, inclusive, of the Connecticut General Statutes. “Unit pricing,” for the purpose of this subsection, means having a conspicuous label on or near any packages being sold at retail indicating the price per pound computed to the nearest cent.

(c) The standards set forth in subsections (a) and (b) of this section shall apply until such time as a standard is adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, as amended, of the United States Department of Commerce.

(d) Violations of this section shall be deemed an unfair or deceptive trade practice pursuant to section 42-115u of the Connecticut General Statutes and pursuant to the Connecticut Unfair Trade Practices Act, Chapter 735a of the Connecticut General Statutes.

(Adopted effective September 3, 2010)

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**Temperature Compensation in
the Sale of Motor and Heating Fuels**

Sec. 43-42-1. Adoption of regulations of national conference; exceptions

Those specifications, tolerances and regulations for commercial weighing and measuring devices adopted and amended from time to time by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44, as amended, of the United States Department of Commerce are adopted, and herein incorporated by reference, as standards for this state, with the exception that the practices of automatic and nonautomatic temperature compensation shall not be allowed to modify the standard volumetric units used in the sale of motor fuels and home heating fuels, except for liquefied petroleum gas.

(Effective December 6, 1995; amended October 2, 2008)