

STEVE SISOLAK
Governor

Las Vegas Office:
2300 East St. Louis Ave.
Las Vegas, NV 89104
Telephone (702) 668-4590
Fax (702) 668-4567



JENNIFER OTT
Director

Elko Office:
4780 East Idaho St.
Elko, NV 89801-4672
Telephone (775) 738-8076
Fax (775) 738-2693

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE

405 South 21st St.
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
agri.nv.gov

**PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE
LCB FILE No. R079-20**

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada 89431, is proposing the Amendment of regulations pertaining to Nevada Administrative Code Chapters 581 and 582. A workshop has been set for:

**Tuesday, December 8, 2020
2:00 PM PST**

**Remote Meeting
Information:**

Nevada Department of Agriculture

Location: Web-ex meeting

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture/my/j.php?MTID=mb3c7daf05cf40a3023ca5a89037bfaaa>

Meeting number: 126 260 7528

Password: kqPzVMFm832 (57798636 from phones and video systems)

Phone Join: 1-408-418-9388

Phone Access Code: 126 260 7528

Phone Access Password: 57798636

COVID-19 Notice

ALL PERSONS WISHING TO ATTEND THE MEETING MUST ATTEND VIA WEBEX OR TELEPHONICALLY.

- The open meeting law (Nevada Revised Statutes Chapter 241) requires public bodies to conduct their meetings with at least one physical location.
- Under Declaration of Emergency Directive 006, issued March 22, 2020, the physical location requirement has been suspended.

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

Agenda

2:00 PM PST Tuesday, December 8, 2020

Note: Items on this agenda may be taken in a different order than listed, items may be combined for consideration, and items may be pulled or removed from the agenda at any time.

- I. ****Public Comment –** In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes. Unused time may not be reserved by the speaker nor allocated to another speaker.
- II. The Nevada Department of Agriculture (NDA) will hold a workshop to solicit comments from interested persons on the following general topics that may be addressed in proposed regulations (LCB File Nos. R079-20):

LCB File No. R079-20 includes updates and additions to the following sections of Nevada Administrative Code (NAC) chapters 581 and 582:

- NAC 581.009, 581.011, 581.030 and 581.050 - updates the address of the NDA office in Sparks, adds information for a website where a person may access National Institute of Standards of Technology (NIST) Handbooks 44, 105-series, 130 and 133 free of charge, updates the name and address of the entity from which hard copy versions of these NIST Handbooks may be purchased, and updates the purchase price for these NIST Handbooks
- NAC 590.210 – adds the following to the list of tests, inspections and services for which certain fees for re-inspection or a special trip for testing or inspection may be charged:
 - Commercial weighing and measuring equipment for which a repair notice, stop-use order, hold order or other such notice of violation was issued by the NDA Division of Consumer Equitability (DCE)
 - Point-of-sale systems found not to be in compliance during a test or inspection by DCE
 - Packaged commodities found not to be in compliance during a test or inspection by DCE
 - Commodities for which the method of sale was found not to be in compliance during a test or inspection by DCE
 - Commodities for which the price at the point of sale was not consistent with the advertised price during a test or inspection by DCE
 - A weighing or measuring device which was not available or ready for testing during normal business hours or at the time scheduled for a special test or inspection;specifies that inspection or testing of licensed commercial weighing and measuring equipment at a time scheduled specifically for the convenience of the device owner shall be considered a special trip; establishes a separate fee schedule for retesting or reinspection of a commercial devices which has been repaired or adjusted for which no follow-up trip is required by DCE to perform such retesting or reinspection, the fees for which are lower than retests or reinspection which require a follow-up trip; establishes the fee for time spent by DCE to witness the test of a device which is not conducted by DCE; establishes a fee for time spent by DCE for the re-

inspection and/or retesting of packaged commodities, labels, advertised prices or commodity method of sale.

- NAC 590.220 - adds the following to the list of tests, inspections and services for which certain additional fees for special tests or inspections may be charged:
 - Point-of-sale systems found not to be in compliance during a test or inspection by DCE
 - Commodity labels found to be out of compliance during a test or inspection by DCE
 - Packaged commodities found to be out of compliance during a test or inspection by DCE
 - Commodities for which the method of sale was found to be out of compliance during a test or inspection by DCE
 - Commodities for which the price at the point of sale was not consistent with the advertised price during a test or inspection by DCE;revises the increments of time for which certain fees may be charged from hourly to fifteen-minute time periods or portions thereof; revises the fees charged for time from \$60 per hour to \$15 per fifteen-minute time period or portion thereof; and, eliminates the limitation on charging the fees established pursuant to this section on trips made within a minimal distance from the base of the inspector or within the same metropolitan area.
- Adds a new section which requires notice to DCE within ten days when ownership of a weighing or measuring device which has been licensed as commercial weighing and measuring equipment has been transferred to another person; requires the State Sealer to re-issue the license in the name of the new owner, provided that the device is to be operated at the same physical location as that of the original owner; and, establishes that if such device is to be operated at a different location than that of the original owner, the new owner shall be required to obtain a new license and pay the associated license fee.
- Adds a new section which requires notice to DCE within ten days of transfer of commercial weighing and measuring equipment from the business location indicated on the device license; requires DCE to inspect the device and, if the device is found to meet all applicable standards and the license fee has been paid in full, to issue a license for the device at the new business location; and provides that DCE may waive the initial inspection of the device if it was adjusted after installation by a Registered Service Agent.
- NAC 581.390 – authorizes waiver of DCE inspection of a weighing or measuring device which has been repaired or adjusted following being tagged as in need of repairs or out of order, provided that sufficient evidence is submitted to DCE to give reasonable assurance that the device complies with the provisions of NIST Handbook 44; and authorizes the State Sealer of Consumer Equitability to approve and cause such devices to be marked as approved for use.
- NAC 581.295 – revises the fee schedule for annual licensing of commercial weighing and measuring equipment; and specifies that license fees are non-refundable and shall not be prorated.
- Repeals NAC 582.020, eliminating the requirement that a public weighmaster file a faithful performance bond in the amount of \$1,000 with the State Sealer of Consumer Equitability.
- NAC 582.025 – establishes a fee for late renewal of a public weighmaster license and establishes a period of validity for a public weighmaster license.

III. **Public Comment – In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes. Unused time may not be reserved by the speaker nor allocated to another speaker.

IV. Adjourn

**This item is to receive public comment on any issue, provided that comment will be limited to areas relevant to and within the authority of the Nevada Department of Agriculture. No action will be taken on any items raised in the public comment period. At the direction of the Department, public comment may be received prior to action on individual agenda items. Public comment may not be limited based on viewpoint.

A copy of materials relating to the meeting and proposed regulations will be available at the workshop, online at <http://agri.nv.gov/CE/> or by contacting:

Nevada Department of Agriculture
Division of Consumer Equitability (R079-20)
405 S. 21st Street
Sparks, NV 89431
(775) 353-3792
ce@agri.nv.gov

Written comments on the proposed regulations may be directed to the address above.

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Requests for accommodations or assistance may be submitted to the Department in writing to the address above or by calling 775-353-3783 at least three (3) business days prior to the meeting.

Notice of this meeting has been sent to all persons on the agency's mailing list for administrative regulations, posted on the internet through the Department of Agriculture's website at www.agri.nv.gov, and on the Nevada Public Notices website at <https://notice.nv.gov/> on or before 9 a.m. fifteen (15) calendar days prior to the meeting. Additionally, notice of this meeting was sent to the Nevada Legislative Counsel Bureau for posting at: <https://leg.state.nv.us/App/Notice/A/>.

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Fax (775) 738-2693

**PROPOSED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB FILE NO. R079-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/15/2020**

**REGULATION OF
THE STATE SEALER OF CONSUMER EQUITABILITY**

Sections 1 through 11, 13 and 14 Effective upon filing with the Secretary of State
Section 12 Effective July 1, 2022

Explanation – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 561.153, 581.050, 581.067, 581.075, 582.021

Section 1. NAC 581.009 is hereby amended to read as follows:

NAC 581.009 Adoption by reference of National Institute of Standards and Technology 105-Series Handbooks and Training Materials. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference the National Institute of Standards and Technology 105-Series Handbooks and Training Materials, as those publications existed on January 1, 2003, and any subsequent revision to those publications issued by the National Institute of Standards and Technology, which has been approved by the State Sealer of Consumer Equitability for use in this State. Each new revision shall be deemed approved by the State Sealer of Consumer Equitability unless he or she disapproves the revision within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The State Sealer of Consumer Equitability will review each revision issued after January 1, 2003, to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~*405 S 21st Street*, Sparks, Nevada 89431, or may be ~~[obtained free of charge from the Weights and Measures Division, NIST, 100 Bureau Drive, STOP 2600, Gaithersburg, Maryland 20899-2600, or at <http://ts.nist.gov>]~~ *accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications/>.*

(Added to NAC by St. Sealer of Weights & Measures by R126-97, eff. 6-23-98; A by R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 2. NAC 581.011 is hereby amended to read as follows:

NAC 581.011 Adoption by reference of *National Institute of Standards and Technology Handbook 44*; effect of violation. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference the *National Institute of Standards and Technology Handbook 44*, 2003 edition, and any subsequent edition issued by the National Institute of Standards and Technology, which has been approved by the State Sealer of Consumer Equitability for use in this State. Each new edition shall be deemed approved by the State Sealer of Consumer Equitability unless he or she disapproves the edition within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The State Sealer of Consumer Equitability will review each edition issued after the 2003 edition to ensure its suitability for use in this State and file a copy of each edition he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent edition that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, **or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>**, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~**National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880**, for the price of ~~[\$40]~~**46**.

3. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this chapter.

(Added to NAC by Dep't of Agriculture, eff. 7-30-82; A 10-17-86; A by St. Sealer of Weights & Measures, 10-23-91; 11-2-94; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 3. NAC 581.030 is hereby amended to read as follows:

NAC 581.030 Adoption by reference of certain portions of *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*; effect of violation. (NRS 581.050, 581.067)

1. The State Sealer of Consumer Equitability hereby adopts by reference:

(a) The “Examination Procedure for Price Verification”;

(b) The “Uniform Packaging and Labeling Regulation”;

(c) The “Uniform Regulation for the Method of Sale of Commodities”;

(d) The “Uniform Unit Pricing Regulation”;

(e) Sections 2 to 11, inclusive, of the “Uniform Regulation of Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices”;

(f) The “Uniform Open Dating Regulation”; and

(g) The “Uniform Regulation for National Type Evaluation,”

Ê as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*, 2003 edition, and any subsequent revision of that portion of the publication that has been approved by the State Sealer of Consumer Equitability for use in this State. Each revision of that portion of the publication shall be deemed approved by the State Sealer of Consumer Equitability unless he or she disapproves of the revision within 60 days after the date of publication of the revision by the National Institute of Standards and Technology.

2. The State Sealer of Consumer Equitability will review each revision to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of Consumer Equitability will be available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, ***or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>***, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~ ***National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880***, for the price of \$~~[31.50]~~**40**.

3. A violation of any provision of that portion of the publication adopted by reference in subsection 1 shall be deemed a violation of this chapter.

(Added to NAC by St. Sealer of Weights & Measures by R084-00, 6-22-2000, eff. 7-1-2000; A by R161-03, 1-27-2004)

Sec. 4. NAC 581.050 is hereby amended to read as follows:

NAC 581.050 Adoption by reference of *National Institute of Standards and Technology Handbook 133*; effect of violation. (NRS 581.050, 581.067)

1. The *National Institute of Standards and Technology Handbook 133* is hereby adopted by reference as the official procedure for the methods of checking the net contents of packaged commodities for compliance with respect to net weight, count or measure. The publication, including supplements, is available for inspection at the office of the ~~[Bureau of Weights and Measures,]~~ Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 S 21st Street**, Sparks, Nevada 89431, ***or may be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>***, or may be purchased by mail from the ~~[Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800]~~ ***National Conference on Weights and Measures 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880***, for the price of ~~[\$15]~~**27**.

2. A violation of a provision of the handbook adopted by reference in subsection 1 shall be deemed a violation of this chapter.

[Dep't of Agriculture, No. 81.02, eff. 2-5-60] — (NAC A by St. Sealer of Weights & Measures, 11-2-94; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 5. NAC 581.210 is hereby amended to read as follows:

NAC 581.210 Weighing and measuring devices, ***point-of-sale systems, labeling, packaged commodities, method of sale, advertised prices and price representations***: Tests, ***inspections*** and services for which fees will be charged; fees for tests ***or inspections***; failure to pay fee. ([NRS 581.050](#), [581.067](#), [581.075](#))

1. The tests, ***inspections*** and services for which fees will be charged pursuant to this section include, without limitation:

(a) A retest ***or reinspection*** of:

(1) A device *found not to be in compliance during a test or inspection conducted by the Division pursuant to subsections 2, 7, 10, 11 or 12 of NRS 581.067 and for which ~~[was marked]~~ a “repair notice” ,“stop-use order” “hold order”, “out of order notice”, or other such notice of violation was issued ~~[during a test]~~ by the Division. If, upon the arrival of the inspector during normal business hours, the retest or reinspection cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that retest or reinspection remains due.; or*

(2) A *retest of a* point-of-sale system or cash register found to not be in compliance during a test conducted pursuant to subsection 19 of NRS 581.067. *If, upon the arrival of the inspector during normal business hours, the retest cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that retest or reinspection remains due.; or*

(3) A *reinspection or retest of a packaged commodity found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 14 or 15 of NRS 581.067 and for which a “hold order”, “stop use order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the reinspection or retest cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that retest or reinspection remains due.; or*

(4) A *reinspection or retest of a commodity for which the method of sale was found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 15 of NRS 581.067 and for which a “hold order”, “stop use order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the reinspection or retest cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that retest or reinspection remains due.; or*

(5) A *reinspection or retest of a commodity for which the advertised price was found not to be in compliance during a test or inspection conducted by the Division pursuant to subsection 18 of NRS 581.067 and for which a “hold order” or other such notice of violation was issued by the Division. If, upon the arrival of the inspector during normal business hours, the retest or*

reinspection cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that retest or reinspection remains due.

(b) A trip to *inspect or* test a device which was not available or ready for testing at the time:

- i. Of a routine test or inspection conducted by the Division on any commercial premises during normal business hours pursuant to subsection 11 of NRS 581.067; or*
- ii. At the time* scheduled for a *special* test *or inspection of a device.*

(c) A test *or inspection* requested for a device if a special trip is required to perform the test *or inspection. Inspection or testing of licensed commercial weighing and measuring equipment at a time scheduled specifically for the convenience of the device owner shall be considered a special trip.* If, upon the arrival of the inspector, the test *or inspection* scheduled for the device cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that test *or inspection* remains due.

(d) A test requested for a noncommercial device.

(e) A calibration according to industrial standards of weights and measures.

(f) An adjustment of a commercial device immediately following a determination of noncompliance during a test conducted by the Division

2. The fees for *inspection and* tests of devices *conducted by the Division for the purposes established in Section 1 (a) – (e)* are:

(a) For scale devices:

500 pounds and under tested with a Class F, Echelon III weight kit.....	\$32
500 pounds and under tested with a Class II, Echelon II weight kit.....	45
Over 500 pounds through 2,000 pounds.....	90
Over 2,000 pounds through 5,000 pounds.....	240
Over 5,000 pounds through 30,000 pounds.....	420
Hopper, 5,000 pounds and under.....	600
Hopper, over 5,000 pounds.....	750
Over 30,000 pounds.....	450

(b) For linear devices..... 42

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover...	30
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Dispenser tested with a prover larger than 5 gallons.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute.....	420
Nontemperature-compensated meter used to measure liquid petroleum gas.....	222
Temperature-compensated meter used to measure liquid petroleum gas.....	450
(d) For standards of mass, volume or length, per hour:	
For certification of standards for use in testing a commercial device for a service agency or serviceperson.....	75
For certification of standards for use in testing a noncommercial device.....	95
(e) For point-of-sale systems and cash registers not in compliance:	
For not more than five point-of-sale systems or cash registers.....	50
For six or more point-of-sale systems or cash registers.....	125

3. The fees for retesting or reinspection of a commercial device which has been repaired or adjusted immediately following a determination of noncompliance during a test conducted by the Division and for which no follow-up trip is required by Division to perform such retesting or reinspection are:

(a) For scale devices:

<i>500 pounds and under tested with a Class F, Echelon III weight kit.....</i>	<i>\$16</i>
<i>500 pounds and under tested with a Class II, Echelon II weight kit.....</i>	<i>23</i>
<i>Over 500 pounds through 2,000 pounds.....</i>	<i>45</i>
<i>Over 2,000 pounds through 5,000 pounds.....</i>	<i>120</i>
<i>Over 5,000 pounds through 30,000 pounds.....</i>	<i>210</i>
<i>Hopper, 5,000 pounds and under.....</i>	<i>300</i>
<i>Hopper, over 5,000 pounds.....</i>	<i>375</i>
<i>Over 30,000 pounds.....</i>	<i>250</i>

(b) For linear devices..... 21

(c) For meter devices:

<i>Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....</i>	<i>15</i>
<i>Dispenser tested with a prover larger than 5 gallons.....</i>	<i>111</i>
<i>Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute.....</i>	<i>111</i>
<i>Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute.....</i>	<i>210</i>
<i>Nontemperature-compensated meter used to measure liquid petroleum gas....</i>	<i>111</i>
<i>Temperature-compensated meter used to measure liquid petroleum gas.....</i>	<i>225</i>

4. The fee for each fifteen-minute time period, or portion thereof, to witness the test of a device which is not conducted by the Division is \$15.

5. The fee for reinspection and retests of packaged commodities, labels, advertised prices, or commodity method of sale are, for each fifteen-minute time period, or portion thereof, required for the inspector to conduct the inspection or test is \$15.

6. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this section, and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 3, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004; A by St. Sealer of Consumer Equitability by R096-15, 12-21-2015)

Sec. 6. NAC 581.220 is hereby amended to read as follows:

NAC 581.220 Weighing and measuring devices, *point-of-sale systems, labeling, packaged commodities, method of sale, advertised prices and price representations*: Additional fees for special tests *or inspections*; failure to pay fee. (NRS 581.050, 581.067, 581.075)

1. In addition to the fees prescribed in NAC 581.210, the following fees will be charged for a special test *or inspection* except as otherwise provided in this section:

- (a) For each ~~[hour]~~ *fifteen-minute time period or portion thereof*, for testing a device above the time normally required to perform that test..... \$~~[60]~~*15*
- (b) ~~[For each hour for witnessing the test of a device that is not conducted by the Division.....~~ *60*
- (~~e~~) For mileage, per mile for:
 - Pickup truck..... 1
 - Petroleum prover truck..... 3
 - Test truck for scale devices over 2,000 pounds 4
- (~~dc~~) For each ~~[hour]~~ *fifteen-minute time period, or portion thereof*, of required travel of the inspector, in addition to the fees specified in paragraph (~~eb~~)..... *[60]15*
- (~~ed~~) For the per diem of the inspector, the amounts allowed by law for state employees, under conditions set by the Division.

2. The fees for mileage, travel and per diem will be prorated among persons requiring tests *or inspection* of devices *or commodities* in the same area if all the devices *or commodities* can be tested *or inspected* during the same trip.

3. Only the fee prescribed by [NAC 581.210](#) for a test *or inspection* of a device *or commodity* will be charged if:

- ~~—(a) T~~ the test *or inspection* can be made during a scheduled trip for *other tests or* inspections in the vicinity~~;~~
~~(b) The site of the test is within a minimal distance from the base of the inspector or within the same metropolitan area].~~

4. The amount of charges for:

- (a) The testing of devices or standards not listed on the schedule of fees;
- (b) Testing of standards from out of State; or
- (c) Testing which requires special arrangements or conditions,

↪ will be determined by agreement between the State Sealer of Consumer Equitability and the owner or operator of the device or standard to be tested.

5. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this

section, and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 4, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 7. NAC 581.280 is hereby amended to read as follows:

NAC 581.280 Issuance of license: Prerequisites; inspection of devices; failure of inspection; period of validity of license. (NRS 581.050, 581.057, 581.065, 581.067)

1. To obtain a license to use a weighing or measuring device as commercial weighing and measuring equipment, an applicant must provide to the Division information concerning the device, including:

- (a) The date on which the device was purchased or installed;
- (b) The manufacturer and model or type of the device;
- (c) The address where the device is located; and
- (d) The name of the person who installed the device.

2. Except as otherwise provided in this section, upon receiving the information pursuant to subsection 1 about a weighing or measuring device, the Division will, as soon as practicable, inspect the device. If the Division determines that the device meets all the applicable standards and the applicant has paid the applicable fees, the Division will issue a license for the device to be used as commercial weighing and measuring equipment.

3. The Division may waive the initial inspection of a weighing or measuring device required pursuant to subsection 2 if the Division determines that the device was adjusted after installation by a person who is registered with the Division pursuant to NRS 581.103 to adjust such a device. If the Division waives the initial test, the Division will:

- (a) Immediately issue a license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and
- (b) As soon as practicable thereafter, inspect the device to ensure that it meets all the applicable standards.

4. If a weighing or measuring device fails an inspection conducted pursuant to subsection 3, the Division will immediately suspend the license issued for the device. If, during the period for which the license was issued, the device:

(a) Passes [am] reinspection conducted by the Division, *or is otherwise approved for use by State Sealer of Consumer Equitability*, the Division will reinstate the license.

(b) Fails to pass [am] reinspection conducted by the Division, the Division may revoke the license.

5. A license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment is valid from October 1 or the date on which it is issued, whichever is later, until the next following September 30.

6. If a weighing or measuring device used as commercial weighing and measuring equipment was approved by the Department for use on or after July 1, 2003, but before January 27, 2004, a license shall be deemed to have been issued for the device by the Division pursuant to this section, effective on the date on which the device was approved for commercial use.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 8. NAC 581. 2XX is hereby added as follows:

NAC 581.2XX Transfer of device license ownership: Notice to Division; issuance of license.

1. A person to whom a license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment who has transferred ownership or operation of such device to another person shall, within 10 days of such transfer, provide notice to the Division on a form prescribed by the State Sealer of Consumer Equitability.

2. Upon receipt of the notice of transfer prescribed in Section 1., the State Sealer of Consumer Equitability shall, provided that the device is to be operated at the same physical location as operated by the original owner, re-issue the license in the name of the new owner or operator. If the device is to be operated at a different location than that of the original owner, the new owner shall be required to obtain a new license and pay the fee established pursuant to NAC 581.295.

Sec. 9. NAC 581. 2XX is hereby added as follows:

NAC 581.2XX Transfer of location of licensed device: Notice to Division; inspection of device.

1. *A person to whom a license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment who causes the device to be transferred to a different business location from the business location indicated on the license shall, within 10 days of such transfer, provide notice to the Division on a form prescribed by the State Sealer of Consumer Equitability.*

2. *Except as otherwise provided in this section, upon receiving the information pursuant to subsection 1 about a weighing or measuring device, the Division will, as soon as practicable, inspect the device. If the Division determines that the device meets all the applicable standards and the device owner has paid the license fee pursuant to NAC 581.295, the Division will issue a license for the device to be used as commercial weighing and measuring equipment at the new business location.*

3. *The Division may waive the initial inspection of a weighing or measuring device required pursuant to subsection 2 if the Division determines that the device was adjusted after installation by a person who is registered with the Division pursuant to NRS 581.103 to adjust such a device. If the Division waives the initial test and the device owner has paid the license fee pursuant to NAC 581.295, the Division will:*

(a) Immediately issue a license for the weighing or measuring device to be used as commercial weighing and measuring equipment at the new business location; and

(b) As soon as practicable thereafter, inspect the device to ensure that it meets all the applicable standards.

Sec. 10. NAC 581.360 is hereby amended to read as follows:

NAC 581.360 Repair or adjustment of device: Removal of tag; attachment of security seal; use of device; *waiver of inspection by Division of repaired or adjusted device.* (NRS 581.050, 581.067)

1. After a serviceperson repairs or adjusts a weighing or measuring device that has been tagged by the State Sealer of Consumer Equitability as being in need of repairs *or out of order*, the serviceperson shall remove the tag if the repair or adjustment made by the serviceperson causes the device to comply with the provisions of the *National Institute of Standards and Technology Handbook 44*, which is adopted by reference pursuant to NAC 581.011.

2. If a serviceperson removes a tag pursuant to subsection 1, he or she shall attach to the weighing or measuring device a security seal that prevents tampering with the calibration components. The seal must include a unique series of numbers or letters that has been approved by the State Sealer of Consumer Equitability for identifying the serviceperson who repaired or adjusted the device.

3. The owner of a weighing or measuring device that has been repaired or adjusted pursuant to this section may use the device from the time the repair or adjustment is made until the State Sealer of Consumer Equitability, *except as otherwise provided in this section*, conducts the required inspection. The owner may continue to use the device after the inspection is conducted if the State Sealer of Consumer Equitability determines that the device complies with the provisions set forth in the *National Institute of Standards and Technology Handbook 44* *and marks the device accordingly*.

4. The Division may waive the inspection required pursuant to subsection 3 if sufficient evidence, in the sole determination of the State Sealer of Consumer Equitability or their designee, is submitted to the Division in the format prescribed by the State Sealer of Consumer Equitability such to provide reasonable assurance that the device complies with the provisions set forth in the National Institute of Standards and Technology Handbook 44. If the Division waives the inspection required pursuant to subsection 3, the State Sealer of Consumer Equitability shall approve and cause the device to be marked as approved for use pursuant to Section 13 of NRS 581.067.

(Added to NAC by St. Sealer of Weights & Measures by R126-97, eff. 6-23-98; A by R161-03, 1-27-2004)

Sec. 11. NAC 581.285 is hereby amended to read as follows:

NAC 581.285 Renewal of license: Notice; payment of fee; inspection of device; failure of inspection. ([NRS 581.050](#), [581.057](#), [581.065](#), [581.067](#))

1. On or before July 10 of each year, the Division will send a notice of renewal for each license then in force that has been issued by the Division for a weighing or measuring device to be used as commercial weighing and measuring equipment. If a license that is suspended as of the date the Division sends the notices of renewal is subsequently reinstated, the Division will, at the time of the reinstatement of the license, provide a notice of renewal to the holder of the license.

2. The notice of renewal must include the amount of the renewal fee which must be paid on or before August 31 of that year. If the renewal fee is paid timely, the Division will:

(a) Renew the license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and

(b) As soon as practicable thereafter, inspect the device to ensure that the device continues to meet all the applicable standards.

3. If, at the inspection conducted pursuant to subsection 2, a weighing and measuring device fails to meet the applicable standards, the Division will immediately suspend the license issued for the device to be used as commercial weighing and measuring equipment. If, during the period for which the renewal was issued, the device:

(a) Passes an inspection conducted by the Division, the Division will reinstate the license.

(b) Fails to pass an inspection conducted by the Division, the Division may revoke the license.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 12. NAC 581.295 is hereby amended to read as follows:

NAC 581.295 Licensing fees: Amount; *non-refundable, no prorating*; late payment.
([NRS 581.050](#), [581.065](#), [581.067](#), [581.075](#))

1. The fee for the annual licensing of a device is:

(a) For scale devices:

500 pounds and under tested with a Class F, Echelon III weight kit.....	\$ [22] 27
500 pounds and under tested with a Class II, Echelon II weight kit.....	[35] 50
Over 500 pounds through 2,000 pounds.....	[60] 75
Over 2,000 pounds through 5,000 pounds.....	[+60] 200
Over 5,000 pounds through 30,000 pounds.....	[280] 350
Hopper, 5,000 pounds and under.....	[400] 500
Hopper, over 5,000 pounds.....	[500] 625
Over 30,000 pounds.....	[300] 375

(b) For linear devices..... ~~[30]~~35

(c) For meter devices:

Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....	[20] 25
Dispenser tested with a prover larger than 5 gallons.....	[+50] 185

Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute.....	[150]185
Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute.....	[280]350
Nontemperature-compensated meter used to measure liquid petroleum gas....	[135]185
Temperature-compensated meter used to measure liquid petroleum gas.....	[270]375

2. *Any fee remitted to the Division pursuant to this section is non-refundable and shall not be prorated for any period of the license term.*

3. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill, is a violation of this section, and the Division will, in addition to any civil penalty that may be imposed pursuant to [NAC 581.260](#), impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 2, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; 2-20-96; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004) — (Substituted in revision for NAC 581.200)

Sec. 13. NAC 582.020 is hereby repealed:

~~[NAC 582.020—Requirements for bond. (NRS 582.021, 582.025)—Requirements for a bond of a public weighmaster are as follows:~~

~~—1. The bond must be a faithful performance bond in the amount of \$1,000 and must be issued by a surety company licensed to do business in this State.~~

~~—2. The bond form will be supplied by the State Sealer of Weights and Measures, and the executed bond must be filed with his office.~~

~~—3. The State Sealer of Weights and Measures must be notified in writing by the surety 30 days before the cancellation of a bond.~~

~~—[Dep't of Agriculture, No. 82.01, eff. 2-15-65]]~~

Sec. 14. NAC 582.025 is hereby amended to read as follows:

NAC 582.025 License as public weighmaster: Fee for issuance or renewal; *late payment; period of validity of license.* (NRS 561.105, 582.040) The fee for:

1. The issuance of a license as a public weighmaster pursuant to NRS 582.040 is \$120.

2. The annual renewal of a license as a public weighmaster issued pursuant to NRS 582.040 is \$100.

3. If a public weighmaster fails to renew the license before it expires, the public weighmaster must, in addition to the fee required to pursuant to subsection 2, pay a late fee equal to 10 percent of the fee otherwise required for the renewal of the license.

4. A license issued pursuant to this section is valid from January 1 or on the date which it is issued, whichever is later, until the next December 31.

(Added to NAC by St. Sealer of Weights & Measures by R084-00, 6-22-2000, eff. 7-1-2000; A by Bd. of Agriculture by R001-04, 8-4-2004)

STEVE SISOLAK
Governor

Las Vegas Office:
2300 East St. Louis Ave.
Las Vegas, NV 89104
Telephone (702) 668-4590
Fax (702) 668-4567



JENNIFER OTT
Director

Elko Office:
4780 East Idaho St.
Elko, NV 89801-4672
Telephone (775) 738-8076
Fax (775) 738-2693

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE

405 South 21st St.
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
agri.nv.gov

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608**

**LCB File No. R079-20
November 16, 2020**

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notice and text of the proposed regulations was mailed via the United States Postal Service to 2,303 commercial weighing and measuring device owners. The notice contained the website address for an electronic survey and provided an option to receive and participate in the survey by mail or email. One person requested a hard copy of the survey. The survey was open from October 16, 2020 through October 30, 2020. A total of 68 responses were received, though not all respondents answered all 18 survey questions.

- 40 respondents answered the survey question of how many persons it employs in Nevada. 36 of the respondents employ 100 persons or less. The remaining four respondents employ 101 or more persons. For purposes of the analysis undertaken to prepare this document, the agency considers all 40 of the persons responding to this question as meeting the definition of small business established in NRS 233B.0382.
- 8.96 percent of the survey respondents stated the proposed changes to NAC chapter 581 will have no impact on their business. 41.8 percent indicated the proposed changes would have an insignificant or minor impact on their business. 31.34 percent indicated the proposed changes would have a moderate impact. 17.91 percent indicated a major or severe impact.
- Of the 61 respondents to the survey question asking if the proposed changes to NAC chapter 581 would impact their ability to do business, 16.39 percent said yes, 55.74 percent said no, and 27.87 percent were uncertain.
- 59 respondents answered the survey question of what level of financial impact the proposed changes to NAC chapter 581 would have on their business. 16.98 percent said no impact, 13.56 said insignificant impact, 25.42 percent said minor impact, 27.12 percent said moderate impact, 6.78 percent said major impact, and 10.17 percent said the impact would be severe.
- The survey asked if respondents would need to make operational changes to their business as a result of the financial impact of the changes proposed to NAC chapter 581. 24 persons

responded - some indicated no changes would be necessary, some said they were uncertain, and others indicated they would need to cut other expenses to offset the proposed fee increases.

- Survey respondents were asked to indicate the sections of the proposed changes to NAC chapter 581 that would have the most financial impact on their business. The sections of the proposed regulations cited most often were those which contain fee increases, though other sections of the proposed regulation which should result in lower costs to respondents were also cited.
- Answers to the survey question of how the specific sections of the proposed regulation selected by the respondent would impact their business primarily indicated increased costs of doing business, though other respondents indicated there would be no impact.
- 23.81 percent of respondents stated the proposed changes to NAC chapter 582 will have no impact on their business. 42.86 percent indicated the proposed changes would have an insignificant or minor impact on their business. 21.43 percent indicated the proposed changes would have a moderate impact. 11.9 percent indicated a major or severe impact.
- Of the 38 respondents to the survey question asking if the proposed changes to NAC chapter 582 would impact their ability to do business, 15.79 percent said yes, 63.16 percent said no, and 21.05 percent were uncertain.
- 38 respondents answered the survey question of what level of financial impact the proposed changes to NAC chapter 582 would have on their business. 21.05 percent said no impact, 23.68 said insignificant impact, 26.32 percent said minor impact, 15.79 percent said moderate impact, 5.26 percent said major impact, and 7.89 percent said the impact would be severe.
- The survey asked if respondents would need to make operational changes to their business as a result of the financial impact of the changes proposed to NAC chapter 582. 7 persons responded - some indicated no changes would be necessary, some said they were uncertain, and others did not cite a specific operational change but cited concerns about increase fees.
- Survey respondents were asked to indicate the sections of the proposed changes to NAC chapter 582 that would have the most financial impact on their business. 21 persons responded to the question. 47 percent cited the section which would repeal NAC 582.020, eliminating the requirement for a bond for a public weighmaster. 85.71 percent cited the section which establishes a period of validity for a public weighmaster license and implements a fee for late renewal of a public weighmaster license.

Persons interested in obtaining the survey results may do so by contacting the Division of Consumer Equitability at 775-353-3782 or by email ce@agri.nv.gov. A copy of the survey results is available online at the Department of Agriculture website: <http://agri.nv.gov/CE/>

2. The manner in which the analysis was conducted.

A statistical analysis of the survey results was compiled and considered. While the majority of respondents indicated the proposed changes would have an impact on their business, the majority of respondents indicated that the level of financial impact caused would be insignificant to moderate. 4 respondents indicated that the level of financial impact caused would be major and 6

indicated the impact would be severe; 10 respondents represents 15% of the total survey respondents and .004% of the 2,303 commercial weighing and measuring device owners notified about the proposed regulations.

3. The estimated economic effect of the proposed regulation on small businesses:

The annual economic impact to small businesses is estimated to total \$130,400.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The agency considered simplifying the proposed regulation, establishing different standards of compliance for small business, and modifying the fees and fines set forth in the proposed regulation so that a small business is authorized to pay a lower fee.

The agency found that simplification of the proposed regulation would not in and of itself relieve the impact of the proposed regulation on small businesses and so that method was not utilized. The proposed regulations in and of themselves are relatively straightforward and the impact of the proposal on small businesses is almost entirely driven by the proposed increase to fee amounts. The agency did not use this method.

In considering establishing different standards of compliance for small business, the agency found that there was an unacceptable level of risk to the patrons of businesses subject to different standards that could result from the business utilizing commercial weighing and measuring devices that are not suitable for their intended use, and/or are not properly installed and accurate, and/or are not so maintained. Because of this finding, the agency did not use this method.

The agency considered modifying the fee(s) and fine(s) set forth in the regulation so that a small business would be authorized to pay a lower amount, but found that in order for the Division of Consumer Equitability to have adequate resources to perform its mandated functions there would need to be an increased amount charged to non-small businesses to account for the reduced fees collected from small businesses. This would result in one set of weighing and measuring device owners subsidizing the cost of service to another set of weighing and measuring device owners. The agency found that such a subsidy would be inappropriate. Additionally, the Division of Consumer Equitability's current system for the registration and invoicing of weighing and measuring devices does not allow for a business to be distinguished by size and cannot be programmed to charge a different price for the annual registration of the same type of weighing and measuring device. For these reasons, the agency did not use this method.

As the agency continues through the regulatory adoption process required under the Nevada Administrative Procedure Act it will consider any other methods to reduce the impact to small businesses that may be proposed.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The agency does not anticipate that its ongoing costs to enforce the proposed revised provisions of NAC 581 will increase. The agency anticipates one-time costs of approximately \$1,500 to print and mail a notice of the revised regulations to all commercial weighing and measuring device owners following adoption of the regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Beginning in State Fiscal Year 2022, the agency expects it will collect a total of \$2,096,537 in fees for the licensing and testing of commercial weighing and measuring devices. This represents an increase of \$326,00 from the amount collected in State Fiscal Year 2020. The additional revenues will be used to pay for ongoing program operating expenses, to replace vehicles and equipment which have reached the end of their useful life, and to implement a new software system that will allow the Division of Consumer Equitability to operate more efficiently, effectively and in accordance with modern business practices.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulations are not duplicative or more stringent than federal, state or local standards. The Packers and Stockyards Program (PSP) of the United States Department of Agriculture enforces the Packers and Stockyards Act, 1921, which requires that each stockyard owner, market, agency, dealer, packer or live poultry dealer who weighs livestock, live poultry, or feed for purchases of purchase, sale, acquisition, payment or settlement of livestock or live poultry, or who weighs livestock carcasses for the purpose of purchase on a carcass weight basis, or who furnished scales for such purposes, shall cause such scales to be tested by competent persons in accordance with the regulations in the act at least twice during each calendar year at intervals of approximately 6 months. An exception is granted if scales are used on a limited seasonal basis (during any continuous 8-month period) that the scales may be used during within an 8-month period following each test. The test performed by the Division of Consumer Equitability in association with the annual registration of a livestock scale serves to satisfy one test for those device owners subject to the PSP six-month inspection cycle and may, depending upon timing of the inspection within the 8-month period, entirely satisfy the PSP testing requirement for those scales used on a limited seasonal basis.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

While there will be an impact on small businesses as result of adoption of the proposed regulation, the agency concludes that the regulations are reasonable and necessary in order for the Division of Consumer Equitability to perform all of its statutorily mandated duties. Based upon the survey

responses received, the agency believes the number of small businesses that will experience a major or severe financial impact as result of the proposed regulations is less than 10 percent (~ 92 businesses).

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Jennifer Ott
Director
Nevada Department of Agriculture

**2020 Business Impact Survey: Proposed amendments
to Nevada Administrative Code 581 & 582**
Consumer Equitability Division



This survey was opened on 10/16/2020 and closed on 11/2/2020. The survey was posted to the NDA on 10/20/2020 to the following links: <http://agri.nv.gov/survey/>. The survey was additionally sent by mail to licensed businesses within the State of Nevada. In total 68 entities responded to this survey.

**Q1. What level of impact will the proposed changes to NAC 581 have on your business?
(N=67, 1 respondent skipped the question)**

- No Impact: 6 respondents (8.96%)
- Insignificant Impact: 14 respondent (20.90%)
- Minor Impact: 14 respondents (20.90%)
- Moderate Impact: 21 respondents (31.34%)
- Major Impact: 5 respondent (7.46%)
- Severe Impact: 7 respondent (10.45%)

**Q2. If enacted would the proposed changes to NAC 581 impact your ability to do business?
(N=61, 7 respondents skipped this question)**

- Yes: 10 (16.39%)
- No: 34 (55.74%)
- Uncertain: 17 (27.87%)

Q3. Based upon your response: How would changes to NAC 581 impact your ability to do business?

(N=22, 46 respondents skipped this question)

- Have no idea
- Not sure how it would impact the business
- Minimal impact to our business, therefore no issues.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- The price increase is not going to price us out of the market. But it would impact us in an increasingly difficult market.
- increased cost
- It would not.
- Business as usual
- As a business owner when business is bad we cut costs. Every tax, fee, or bill imposed on use is more and more of a strangle hold to where we are almost choked to death by the establishment that we pay. When times get tough cut costs don't kill We The People.

**2020 Business Impact Survey: Proposed amendments
to Nevada Administrative Code 581 & 582**
Consumer Equitability Division



- as fees are raised we will need increase our fees to customers to compensate. This will mean possible loss of customers or company loss due to customers refusing to pay the new fees due to the increase.
- Increased costs that would need to be paid
- leave the fees the same or no longer provide this service.
- It would not impact our business significantly
- Our pocketbook!
- It wouldn't. Our use of scales is not subject to inspection by the NDA.
- Nothing
- Only if the fees are substantially higher than current, or if inspections are increased.
- drop it
- Higher inspection charges
- Unsure
- Each session the fee's on our business increase, our prices continue to go down but state and federal fees continue to rise.
- I'm not sure

Q4. What level of financial impact would the proposed changes to NAC 581 have on your business?

(N=59, 9 respondents skipped this question)

- No Impact: 10 respondents (16.95%)
- Insignificant Impact: 8 respondents (13.56%)
- Minor Impact: 15 respondents (25.42%)
- Moderate Impact: 16 respondent (27.12%)
- Major Impact: 4 respondents (6.78%)
- Severe Impact: 6 respondents (10.17%)

Q5. Based upon your response: Would you need to make any operational changes to your business as a result of financial impact of NAC 581? If so, what would those changes be?

(N=24, 44 respondents skipped this question)

- No
- Don't know
- not at this time
- The brand inspection fees have been multiplied as have the scale inspection fees. Taxes are being increased when the agricultural sector income is badly depressed. The effect is culminative. There should be an exemption for agriculture.
- No changes as minimal impact to business.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.

**2020 Business Impact Survey: Proposed amendments
to Nevada Administrative Code 581 & 582**
Consumer Equitability Division



- none
- We would have to add operating costs to the Consumer which burden might negatively impact our business.
- Our budget would grow tighter.
- No
- YES
- it really is untold how this will impact our business as we have not been told how much the increase will be.
- The costs increases would have an impact, but if the service from the Department meets the needs in a timely fashion -- it's a necessary costs-of-doing business
- Hire a private company to perform the service.
- No
- Yes several changes
- No. Our scales are not required to be inspected.
- Get smaller scales
- No
- drop it
- No
- No
- I would have to cut other expenses (possible people)
- I'm not sure

Q6. Please select the Sections of NAC 581 that contain proposed amendments that would have the most financial impact on your business:
(N=36, 32 respondents skipped this question)

- Section 1: NAC 590.009
 - 8 respondents (22.22%)
- Section 2: NAC 581.011
 - 10 respondents (27.78%)
- Section 3: NAC 581.030
 - 9 respondents (25.00%)
- Section 4: NAC 581.050
 - 11 respondents (30.56%)
- Section 5: NAC 581.210
 - 21 respondents (58.33%)
- Section 6: NAC 581.220
 - 11 respondents (30.56%)
- Section 7: NAC 581.280
 - 11 respondents (30.56%)

**2020 Business Impact Survey: Proposed amendments
to Nevada Administrative Code 581 & 582**
Consumer Equitability Division



- Section 8: NAC 581.2XX (Note: Added section can be located on page 12)
 - 8 respondents (22.22%)
- Section 9: NAC 581.2XX (Note: Added section can be located on page 12-13)
 - 6 respondents (16.67%)
- Section 10: NAC 581.360
 - 5 respondents (13.89%)
- Section 11: NAC 581.295
 - 11 respondents (30.56%)
- Section 12: NAC 582.020 (Note: Repealed section page 16)
 - 14 respondents (38.89%)
- Section 13: NAC 582.025
 - 8 respondents (22.22%)

**Q7. Based upon your response: How would the selected section (s) impact your business?
(N=23, 45 respondents skipped this question)**

- Mainly Increased fees and period of validity since date of issue is often dependent on when an inspection is available for rural Nevada. Late payment and prorating would impact if applicable.
- none
- It adds to cumulative tax increases that have significant impact during a time of depressed cattle prices and other economic stress. These taxes were increased significantly previously.
- Since registration fees increased.
- Considering that this proposed legislation has not been received in the past, there is no way to accurately respond to this survey
- None
- More cumbersome than before and creates additional work.
- We only need the inspection of our weighing devices. The price is still the same.
- Could effect business if any proposed late fees are given and possible delays by the Division through lost paperwork, miscalculations, backlog of businesses applications, etc.
- Increases expenses in a business were there is seldom any profits
- Every year the price goes up to test the scales and they are not here for long. The price started at \$100 and now going up to \$350. That is a little too much.
- Very Little
- Any type of increase impacts business. We would have to make adjustments to pricing in order to adjust.
- rate that we charge customers will need to be adjusted to reflect new fees for scales
- Increased costs, but again -- if the Department meets the necessary timeframe to perform service, that is extremely important

**2020 Business Impact Survey: Proposed amendments
to Nevada Administrative Code 581 & 582**
Consumer Equitability Division



- Minimal increases that haven't been adjusted in 20 years.
- Substantial fee increases during these times is not conducive to promoting successful business in NV.
- Not significantly
- They wouldn't. Our scales are not subject to inspection.
- Spending more money
- kill it
- Not much impact
- I'm not sure

Q8. Please feel free to provide any feedback you would like us to consider in relation to the proposed changes to NAC 581.

(N=12, 56 respondents skipped this question)

- For my business there are almost no affects other than the small fee increases for the annual inspection and the changes to the retest fees if we ever needed a reinspection.
- Minimal impact to business therefore no issues.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- Please see #7
- Don't increase fees, decrease fees.
- I answered that it was undetermined how this would affect us in one of the questions due to not knowing what it would cost, I hadn't finished reading all the material in regards to rate changes. I feel that a slow rate increase if more beneficial to business and their customers at this time. as most of business are still not sure how the economic fall this past year is going to affect all aspects of their business.
- The increases are needed. Wish there were more monies available to Weights & Measures to do annual inspections of metered fuel dispensers.
- Cost reduction for providing this service seems to have been lost in the process. Possibly lobby for a length or period of time increase in testing requirements even though they are already mandated.
- N/A
- nickledime.com
- No inspection fee
- this is absolutely ridiculous , unfair & unconstitutional

Q9. What level of impact will the proposed changes to NAC 582 have on your business?
(N=42, 26 respondents skipped this question)

- No Impact: 10 respondents (23.81%)
- Insignificant Impact: 10 respondents (23.81%)
- Minor Impact: 8 respondents (19.05%)
- Moderate Impact: 9 respondent (21.43%)
- Major Impact: 2 respondents (4.76%)
- Severe Impact: 3 respondents (7.14%)

Q10. If enacted would changes made to NAC 582 impact your ability to do business?
(N=38, 30 respondents skipped this question)

- Yes: 6 (15.79%)
- No: 24 (63.16%)
- Uncertain: 8 (21.05%)

Q11. Based upon your response: How could changes to NAC 582 impact your ability to do business?

(N=8, 60 respondents skipped this question)

- uncertain
- no impact
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- Higher fees added to already burdensome fees from every aspect of Nevada State government.
- None
- Same as the other comments I have made
- Spending money
- kill it

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Q12. What level of financial impact would the proposed changes to NAC 582 have on your business?

(N=38, 30 respondents skipped this question)

- No Impact: 8 respondents (21.05%)
- Insignificant Impact: 9 respondents (23.68%)
- Minor Impact: 10 respondents (26.32%)
- Moderate Impact: 6 respondents (15.79%)
- Major Impact: 2 respondents (5.26%)
- Severe Impact: 3 respondents (7.89%)

Q13. Based upon your response: Would you need to make any operational changes to your business as a result of the financial impact of NAC 582?

(N=7, 61 respondents skipped this question)

- uncertain
- No impact, fees are low anyway.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- Again additional fees when we are trying to recover from loss of business due to the Covid 19 Pandemic.
- No
- Change scales
- kill it

Q14. Please select the Sections of NAC 582 that contain proposed amendments that would have the most financial impact on your business:

(N=21, 47 respondents skipped this question)

- Section 13: NAC 582.020
 - 10 respondents (47.62%)
- Section 14: NAC 582.025
 - 18 respondents (85.71%)

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Q15. Based upon your Response: How would the selected section(s) impact your business?
(N=12, 56 respondents skipped this question)

- uncertain
- Minor bump in fees.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- None
- More cumbersome regulations and expenses.
- Payment made prior to deadline may incur a late fee from Division should payment process get delayed (no control of processing system by Business owner).
- Government overreach, fees, taxes and mandatory bills kill business.
- These fees need to be reduced.
- Neither will impact my business
- So busy that sometimes I forget to renew
- both Dont mess with something that isn't broke. take your stupid ideas back where ever they came from!
- Insignificant

Q16. Please feel free to provide any feedback you would like us to consider in relation to the proposed changes to NAC 582.

(N=7, 61 respondents skipped this question)

- uncertain
- No significant impact.
- I do not recall receiving such material in the past five years, there is no way to accurately complete this survey.
- None
- Government overreach, fees, taxes and mandatory bills kill business.
- We are in a time that fees should be adjusted along with market fluctuations so all can carry the burden of such.
- This is nothing but greed from people that no nothing about the Great West & its history.. Leave us alone!!

Q17. What Nevada county(ies) is your business located in?

(N=40, 28 respondents skipped this question)

- Carson City: 1 respondent (2.50%)
- Churchill County: 2 respondents (5.00%)
- Clark County: 17 respondents (42.50%)
- Douglas County: 1 respondent (2.50%)

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- Elko County: 9 respondents (22.50%)
- Esmeralda County: 0 respondents (0.00%)
- Eureka County: 0 respondents (0.00%)
- Humboldt County: 2 respondents (5.00%)
- Lander County: 1 respondent (2.50%)
- Lincoln County: 1 respondent (2.50%)
- Lyon County: 2 respondents (5.00%)
- Mineral County: 0 respondents (0.00%)
- Storey County: 1 respondent (2.50%)
- Washoe County: 8 respondents (20.00%)
- White Pine County: 4 respondents (10.00%)

Q18. How many people does your business employ in Nevada?
(N=40, 28 respondents skipped this question)

- 1-15: 19 respondents (47.50%)
- 16-30: 9 respondents (22.50%)
- 31-45: 1 respondent (2.50%)
- 46-60: 1 respondent (2.50%)
- 61-75: 2 respondents (5.00%)
- 76-100: 4 respondents (10.00%)
- 101+: 4 respondents (10.00%)