



Department of Agriculture

Weights and Measures

Laws & Rules



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OHIO REVISED CODE

WEIGHTS AND MEASURES LAWS – STATE SEALER

ORC 901.08 Appointment of chiefs of divisions.

The director of agriculture shall appoint a chief of the division of administration, a chief of the division of animal health, a chief of the division of livestock environmental permitting, a chief of the division of soil and water conservation, a chief of the division of dairy, a chief of the division of food safety, a chief of the division of markets, a chief of the division of plant health, a chief of the division of weights and measures, a chief of the division of meat inspection, a chief of the division of consumer protection laboratory, a chief of the division of enforcement, and a chief of the division of amusement ride safety.

ORC 901.10 Division of weights and measures - state sealer - duties.

(A) There is hereby created in the department of agriculture a division of weights and measures. The director of agriculture shall be the state sealer of weights and measures. The director shall appoint a deputy state sealer as prescribed by section 901.08 of the Revised Code. Such deputy shall be chief of the division and shall be responsible to the director for the administration and enforcement of all weights and measures laws.

(B) The director may call training sessions for sealers of weights and measures from counties and municipal corporations and their inspectors for the purpose of instructing them in the proper administration of weights and measures laws and rules adopted pursuant thereto. Traveling expenses incurred by such officials shall be paid out of the treasury of the proper county or municipal corporation upon the presentation of a certificate from the director certifying the fact of such attendance, and upon allowance by the proper authority of the county or municipal corporation.

ORC 901.16 Inspection of gas meters and meter provers.

The state sealer shall have charge of all the apparatus and property, belonging to the state, intended for the inspection of illuminating gas and gas meters, and the testing of the registration of meter provers; he shall test the registration of all meter provers that are presented to him for that purpose, and stamp and seal all such meter provers, so tested, that are found correct. For testing the registration of gas meter provers, to be paid by the persons requiring such service, he shall be allowed the sum of five dollars per hour, but not more than fifty dollars for each meter prover tested.

WEIGHTS AND MEASURES LAWS – COUNTY SEALER

ORC 319.55 County sealer.

The county auditor shall be county sealer of weights and measures and shall be responsible for the preservation of the copies of all standards in his possession. He shall submit such standards to the state sealer at such times as may be required by regulation of the director of agriculture. The auditor shall see that all state laws relating to weights and measures are strictly enforced throughout his county, and shall assist generally in the prosecution of all violations of such laws.

ORC 319.57 County sealer shall deliver copies to successor.

When a county sealer resigns, is removed from office, or removes from the county, he shall deliver to his successor in office the standards, beams, weights, measures, and records in his possession. In case of the death of a county sealer, his representatives, in like manner, shall deliver to his successor in office such beams, weights, measures, and records.

In case of neglect or refusal to deliver such standards and records entire and complete, the successor in office may maintain a civil action against the person so refusing or neglecting, and recover double the value of such standards as have not been delivered, with costs of suit, which shall be appropriated by such successor to the purchase of such standards as are required in his office.

ORC 319.58 Use of false weights and measures.

If any person uses any weights, measures, or beams, in weighing or measuring, which do not conform to the standards of the state, or any other measures established by law, whereby a dealer in, purchaser of, or seller of any commodity or article of traffic is injured or defrauded, such dealer, purchaser, or seller may maintain a civil action against the offender, and if judgment is rendered him, he shall receive double damages and costs of suit.

ORC 319.59 Appointment of inspectors - salary.

Each county sealer of weights and measures shall appoint, by writing under his hand and seal, one or more inspectors, who shall compare weights and measures wherever they are used or maintained for use within his county, or which are brought to the office of the county sealer for that purpose, with the copies of the standards in the possession of the county sealer. Such inspectors shall receive a salary fixed by the county sealer, to be paid by the county, which shall be instead of all fees or charges otherwise allowed by law. Such inspectors shall also be employed by the county sealer to assist in the prosecution of all violations of law relating to weights and measures.

ORC 319.60 Injunctions.

The county sealer or his inspector may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provisions of the weights and measures laws or regulations issued by the director of agriculture pursuant thereto.

WEIGHTS AND MEASURES LAWS – CITY SEALER

ORC 733.63 Sealer of weights and measures.

The mayor of a municipal corporation may appoint a sealer of weights and measures, who shall hold office coextensive with the term of office of the mayor who made his appointment, unless otherwise removed from office.

ORC 733.64 Qualification and compensation of sealer.

The sealer of weights and measures of a municipal corporation shall be a competent person for the position, and shall receive a salary fixed by ordinance, to be paid by the municipal corporation, which salary shall be in lieu of all fees or charges.

ORC 733.65 Oath and bond of sealer - appointment of inspectors.

The sealer of weights and measures, before entering upon official duties, shall take the oath of office required by section 733.68 of the Revised Code. Except as otherwise provided in the municipal charter or in section 3.061 of the Revised Code, the sealer shall give bond to the municipal corporation in such amount as is prescribed by ordinance, with security to the approval of the mayor, and conditioned for the faithful performance of official duties. The sealer may appoint inspectors to assist the sealer in the sealer's duties if authorized by the legislative authority.

ORC 733.66 Comparison with state standards.

The sealer of weights and measures of a municipal corporation shall, at such times as may be required by regulation of the director of agriculture, submit all of his standards to the state sealer for comparison with the state standards.

ORC 733.671 Seeking injunction against violation of weights and measures laws.

The municipal sealer may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of the weights and measures laws or regulations of the director of agriculture issued pursuant thereto.

WEIGHTS AND MEASURES LAWS – COMMERCIAL TRANSACTIONS

ORC 1327.291 Prohibited agreements to gain competitive advantage in sale of milk or milk products.

No milk dealer shall directly or indirectly through arrangements with other persons provide refrigerated bulk milk dispensers or parts or accessories thereof to any other person as a means of awarding a premium, rebate, or discount in order to gain competitive advantage in the sale of milk or milk products. Whenever any such item is provided or sold at less than its prevailing wholesale price, it shall be presumed it was provided as a premium, rebate, or discount.

ORC 1327.46 Standard provisions definitions.

As used in sections 1327.46 to 1327.61 of the Revised Code:

(A) "Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any such instruments and devices, except that "weights and measures" shall not be construed to include meters for the measurement of electricity, gas, whether natural or manufactured, or water when the same are operated in a public utility system. Such electricity, gas, and water meters, and appliances or accessories associated therewith, are specifically excluded from the purview of the weights and measures laws.

(B) "Intrastate commerce" means all commerce or trade that is begun, carried on, and completed wholly within the limits of this state, and "introduced into intrastate commerce" defines the time and place in which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

(C) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(D) "Consumer package" means a package that is customarily produced or distributed for sale through a retail sales agency for consumption by an individual or use by an individual.

(E) "Weight" as used in connection with any commodity means net weight.

(F) "Correct" as used in connection with weights and measures means conformity with all applicable requirements of sections 1327.46 to 1327.61 of the Revised Code and rules adopted pursuant to those sections.

(G) "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

(H) "Working standards" means the physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.

- (I) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.
- (J) "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.
- (K) "Random weight package" means a package that is one of a lot, shipment, or delivery of packages of the same commodity with no fixed pattern of weights.
- (L) "Sold" includes keeping, offering, or exposing for sale.
- (M) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any other weighing and measuring device designated by rules adopted under division (C) of section 1327.50 of the Revised Code. "Commercially used weighing and measuring device" includes, but is not limited to, a livestock scale, vehicle scale, railway scale, vehicle tank meter, bulk rack meter, and LPG meter.
- (N) "Livestock scale" means a scale equipped with stock racks and gates that is adapted to weighing livestock standing on the scale platform.
- (O) "Vehicle scale" means a scale that is adapted to weighing highway, farm, or other large industrial vehicles other than railroad cars.
- (P) "Railway scale" means a rail scale that is designed to weigh railroad cars.
- (Q) "Vehicle tank meter" means a vehicle mounted device that is designed for the measurement and delivery of liquid products from a tank.
- (R) "Bulk rack meter" means a wholesale device, usually mounted on a rack, that is designed for the measurement and delivery of liquid products.
- (S) "LPG meter" means a system, including a mechanism or machine of the meter type, that is designed to measure and deliver liquefied petroleum gas in the liquid state by a definite quantity whether installed in a permanent location or mounted on a vehicle.
- (T) "Service person" means an individual who installs, services, repairs, reconditions, or places into service a commercially used weighing and measuring device for any type of compensation.

ORC 1327.47 Customary system of weights and measures - metric system.

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the national institute of standards and technology, are recognized and shall govern weighing and measuring equipment and transactions in this state.

ORC 1327.48 State reference standards of weights and measures.

Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state reference standards of weights and measures, and shall be maintained in such calibration as is prescribed by the national institute of standards and technology. All working standards may be prescribed by the director of agriculture and shall be verified upon their initial receipt, and as often as found necessary by the director.

ORC 1327.49 Standards for commercial weighing and measuring devices.

The specifications, tolerances, and regulations for commercial weighing and measuring devices, as adopted by the national conference on weights and measures, recommended by the national institute of standards and technology and published in national institute of standards and technology handbook 44, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of the state, except insofar as specifically modified, amended, or rejected by rule by the director of agriculture.

Supplements to and revisions of the above publication shall be subject to adoption by the director of agriculture, in accordance with Chapter 119. of the Revised Code.

ORC 1327.50 Director of agriculture - powers and duties.

The director of agriculture shall:

- (A) Maintain traceability of the state standards to those of the international system of units ;
- (B) Enforce sections 1327.46 to 1327.61 of the Revised Code;
- (C) Issue reasonable rules for the uniform enforcement of sections 1327.46 to 1327.61 of the Revised Code, which rules shall have the force and effect of law;
- (D) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the voluntary presentation of cost per unit information for any package;

(E) Grant any exemptions from sections 1327.46 to 1327.61 of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial practices in the state;

(F) Conduct investigations to ensure compliance with sections 1327.46 to 1327.61 of the Revised Code;

(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;

(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;

(I) Inspect and test weights and measures that are sold;

(J) Inspect and test to ascertain if they are correct, weights and measures commercially used either:

(1) In determining the weight, measure, or count of commodities or things sold on the basis of weight, measure, or count;

(2) In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count.

(K) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the general assembly;

(L) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized, and may be condemned and seized if found to be incorrect and not capable of being made correct.

(M) Weigh, measure, or inspect packaged commodities that are sold or in the process of delivery to determine whether they contain the amounts represented and whether they are sold in accordance with sections 1327.46 to 1327.61 of the Revised Code or rules adopted under those sections. In carrying out this section, the director shall employ recognized sampling procedures, such as those designated in the national institute of standards and technology handbook 133 "checking the net contents of packaged goods."

(N) Prescribe by rule the appropriate term or unit of weight or measure to be used, whenever the director determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion;

(O) Allow reasonable variations from the stated quantity of contents, which shall include those caused by unavoidable deviations in good manufacturing practice and by loss or gain of moisture during the course of good distribution practice, only after the commodity has entered intrastate commerce;

(P) Provide for the weights and measures training of inspector personnel and establish minimum training requirements, which shall be met by all inspector personnel, whether county, municipal, or state;

(Q) Prescribe the methods of tests and inspections to be employed in the enforcement of sections 1327.46 to 1327.61 of the Revised Code. The director may prescribe the official test and inspection forms to be used.

(R) Provide by rule for registration with the director of service persons who are employed by commercially used weighing and measuring device servicing agencies ;

(S) In conjunction with the national institute of standards and technology, operate a type evaluation program for certification of weighing and measuring devices as part of the national type evaluation program. The director shall establish a schedule of fees for services rendered by the department of agriculture for type evaluation services. The director may require any weighing or measuring instrument or device to be traceable to a national type evaluation program certificate of conformance prior to use for commercial or law enforcement purposes.

(T) Verify advertised prices, price representations, and point-of-sale systems, as necessary, to determine both the accuracy of prices and computations and the correct use of the equipment and the accuracy of prices printed or recalled from a database if a system utilizes scanning or coding in lieu of manual entry. In order to implement this division, the director shall do all of the following:

(1) Employ recognized procedures such as those designated in the national institute of standards and technology handbook 130, uniform laws and regulations, "examination procedures for price verification";

(2) Adopt rules establishing requirements governing the accuracy of advertised prices and point-of-sale systems and establishing requirements and procedures for the enforcement of this division;

(3) Conduct necessary inspections.

ORC 1327.501 Weighing and measuring device operation permits.

(A) No person shall operate in this state a commercially used weighing and measuring device that provides the quantity or cost of a final transaction and for which a fee is established in division (G) of this section unless the operator of the device obtains a permit issued by the director of agriculture or the director's designee.

(B) An application for a permit shall be submitted to the director on a form that the director prescribes and provides. The applicant shall include with the application any information that is specified on the application form as well as the application fee established in this section.

(C) Upon receipt of a completed application and the required fee from an applicant, the director or the director's designee shall issue or deny the permit to operate the commercially used

weighing and measuring device that was the subject of the application.

(D) A permit issued under this section expires on the thirtieth day of June of the year following its issuance and may be renewed annually on or before the first day of July of that year upon payment of a permit renewal fee established in this section.

(E) If a permit renewal fee is more than sixty days past due, the director may assess a late penalty in an amount established under this section.

(F) The director shall do both of the following:

(1) Establish procedures and requirements governing the issuance or denial of permits under this section;

(2) Establish late penalties to be assessed for the late payment of a permit renewal fee and fees for the replacement of lost or destroyed permits.

(G) An applicant for a permit to operate under this section shall pay an application fee in the following applicable amount:

(1) Seventy-five dollars for a livestock scale;

(2) Seventy-five dollars for a vehicle scale;

(3) Seventy-five dollars for a railway scale;

(4) Seventy-five dollars for a vehicle tank meter;

(5) Seventy-five dollars for a bulk rack meter;

(6) Seventy-five dollars for an LPG meter.

A person who is issued a permit under this section and who seeks to renew that permit shall pay an annual permit renewal fee. The amount of a permit renewal fee shall be equal to the application fee for that permit established in this division.

(H) All money collected through the payment of fees and the imposition of penalties under this section shall be credited to the metrology and scale certification and device permitting fund created in section 1327.511 of the Revised Code.

ORC 1327.502 Registration required.

A service person who is employed by a commercially used weighing and measuring device servicing agency shall register with the director of agriculture in accordance with rules adopted under section 1327.50 of the Revised Code.

ORC 1327.51 Entry on premises - orders to prevent violation - seizure of property - hearing.

(A) When necessary for the enforcement of sections 1327.46 to 1327.61 of the Revised Code or rules adopted pursuant thereto, the director of agriculture and any weights and measures official acting under the authority of section 1327.52 of the Revised Code may do any of the following:

- (1) Enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, the director or official shall first present the director's or official's credentials and obtain consent before making entry thereto, unless a search warrant previously has been obtained;
- (2) Issue stop-use, hold, and removal orders with respect to any weights and measures commercially used, and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodity observed to be or believed to be sold;
- (3) Seize for use as evidence any incorrect or unapproved weight or measure or any package or commodity found to be used, retained, or sold in violation of sections 1327.46 to 1327.61 of the Revised Code or rules adopted pursuant thereto.

(B) The director shall afford an opportunity for a hearing in accordance with Chapter 119. of the Revised Code to any owner or operator whose property is seized by the department of agriculture.

ORC 1327.511 Scale certification fund.

All money collected under sections 1327.50 and 1327.501 of the Revised Code from fees and for services rendered by the department of agriculture in operating the type evaluation program, a metrology laboratory program, and the device permitting program shall be deposited in the state treasury to the credit of the metrology and scale certification and device permitting fund, which is hereby created. Money credited to the fund shall be used to pay operating costs incurred by the department in administering the programs.

ORC 1327.52 Jurisdiction of county weights and measures official.

Any weights and measures official elected or appointed for a county or municipality shall have the duties enumerated in divisions (I) to (M) of section 1327.50 of the Revised Code, and the powers enumerated in section 1327.51 of the Revised Code. These powers and duties shall extend to the respective jurisdictions, except that the jurisdiction of a county official shall not extend to any municipal corporation for which a weights and measures official has been appointed. The director of agriculture shall advise and assist these officials.

ORC 1327.53 Deceptive sales or buying practices.

No person shall do any of the following:

- (A) Sell, offer, or expose for sale less than the quantity he represents;
- (B) Take any more than the quantity he represents when, as a buyer, he furnishes the weight or measure by means of which the quantity is determined;
- (C) Represent the quantity he sells or offers or exposes for sale in any manner tending to mislead or in any way to deceive.

ORC 1327.54 Misrepresentation of price of commodity or service.

No person shall misrepresent the price of any commodity or service sold or advertised for sale by weight, measure, or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person.

ORC 1327.55 Methods of measuring commodities for sale.

Except as otherwise provided by the director of agriculture or by firmly established trade customs and practices, commodities shall be sold as follows:

- (A) Commodities in liquid form shall be sold by liquid measure or by weight;
- (B) Commodities not in liquid form shall be sold only by weight, measure, or county, or a combination thereof;
- (C) The method of sale of commodities shall provide accurate quantity information that enables the buyer to make price and quantity comparisons.

ORC 1327.56 Delivery tickets.

Whenever the quantity is determined by the seller, every bulk sale in excess of twenty dollars and every bulk delivery of heating fuel shall be accompanied by a delivery ticket containing the following information:

- (A) The name and address of the vendor and purchaser;
- (B) The date delivered;
- (C) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
- (D) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale;

(E) The count of individually wrapped packages, if more than one.

ORC 1327.57 Package declarations.

(A) Except as otherwise provided by law, any consumer package or commodity in package form introduced or delivered for introduction into or received in intrastate commerce or sold in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration, as may be prescribed by rule adopted by the director of agriculture, of any of the following, as applicable:

- (1) The identity of the commodity in the package unless the same can easily be identified through the wrapper or container;
- (2) The net quantity of the contents in terms of weight, measure, or count;
- (3) In the case of any package sold at any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor.

This section does not apply to beer or intoxicating liquor as defined in section 4301.01 of the Revised Code, or packages thereof, or to malt or brewer's wort, or packages thereof.

(B) Under division (A)(2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity in a package, shall be used.

(C) In addition to the declarations required by division (A) of this section, any package or commodity in package form, if the package is one of a lot containing random weights, measures, or counts of the same commodity and bears the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

(D) No package or commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below any reasonable standard of fill that may have been prescribed for the commodity in question by the director.

ORC 1327.571 Declaration of quantity included in advertising - posted prices to include fraction.

(A) Whenever a package or commodity is advertised in any manner and the retail price of the package or commodity is stated in the advertisement, there shall be closely and conspicuously associated with the statement of price such a declaration of quantity as is required by law or rule to appear on the package or with the commodity. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

(B) Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction or decimal shall be prominently displayed and the numeral or numerals expressing the fraction or decimal shall be immediately adjacent to, of the same general design and style as, and at least fifty per cent of the height and width of the numerals representing the whole cents.

ORC 1327.58 Temporary or permanent injunction.

Irrespective of whether or not there exists an adequate remedy at law, the director of agriculture may apply to any court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief restraining any person from continued violation of sections 1327.46 to 1327.61 of the Revised Code and of regulations promulgated thereunder.

ORC 1327.59 Presumptions.

Proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on creates a rebuttable presumption of the use of such weight or measure or device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

ORC 1327.60 Prior sections unaffected.

Enactment of sections 1327.46 to 1327.61 of the Revised Code does not affect any regulations promulgated pursuant to the authority of any earlier enabling statute unless inconsistent with sections 1327.46 to 1327.61 of the Revised Code or modified or revoked by the director of agriculture.

ORC 1327.61 Prohibited acts.

No person shall do any of the following:

- (A) Use or have in possession for use in commerce any incorrect weight or measure;
- (B) Wrap, package, label, or advertise any product or service contrary to this chapter, or any rules adopted under it, or sell, offer, hold, or expose for sale any service or product wrapped, packaged, labeled, or offered for sale contrary to this chapter or any rules adopted under it, or misrepresent the quantity or price or service contrary to this chapter, or any rules adopted under it;
- (C) Remove any tag, seal, or mark from any weight or measure without specific written

authorization from the proper authority;

(D) Recklessly install for use, repair, service, or place into service a commercially used weighing and measuring device unless the installation, repair, service, or placement is performed by one of the following:

- (1) A department of agriculture division of weights and measures inspector;
- (2) A service person registered with the department;
- (3) A county or municipal weights and measures inspector.

(E) Hinder or obstruct any weights and measures official in the performance of official duties;

(F) Sell or offer for use in commerce any incorrect weight or measure.

ORC 1327.62 Civil penalty.

Whenever the director of agriculture, or the director's designee, has cause to believe that any person has violated, or is violating any provision of sections 1327.46 to 1327.61 of the Revised Code or a rule adopted under them, the director, or the director's designee, may conduct a hearing in accordance with Chapter 119. of the Revised Code to determine whether a violation has occurred. If the director or the director's designee determines that the person has violated or is violating any provision of sections 1327.46 to 1327.61 of the Revised Code or a rule adopted under it, the director or the director's designee may assess a civil penalty against the person. The person is liable for a civil penalty of not more than five hundred dollars for a first violation; for a second violation the person is liable for a civil penalty of not more than two thousand five hundred dollars; for each subsequent violation that occurs within five years after the second violation, the person is liable for a civil penalty of not more than ten thousand dollars.

Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all moneys collected under this section to the treasurer of state for deposit in the general revenue fund.

ORC 1327.65 Hearing prior to filing criminal charges.

Prior to filing criminal charges under section 1327.99 of the Revised Code, the director of agriculture shall provide the person accused of the violation an opportunity for a hearing before the director to discuss the charges and offer evidence in mitigation of the charges.

ORC 1327.70 Uniform motor fuel quality testing program.

(A) As used in this section:

(1) "Diesel fuel" has the same meaning as in section 5735.01 of the Revised Code.

(2) "Motor fuel" means gasoline or diesel fuel that is sold by a retailer.

(B) The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing a motor fuel quality testing program that is uniform throughout the state.

ORC 1327.99 Penalty.

Whoever violates section 1327.501 or 1327.54 or division (A), (B), (C), (D), or (E) of section 1327.61 of the Revised Code or a rule adopted under sections 1327.46 to 1327.61 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; on each subsequent offense within seven years after the first offense, the person is guilty of a misdemeanor of the first degree.

WEIGHTS AND MEASURES LAWS – MOTOR FUEL TAX

ORC 5735.50 Notice of federal and state motor fuel tax rates.

(A) As used in this section:

(1) "Rate of federal motor fuel tax" means the rate of tax levied under section 4081 of the Internal Revenue Code on one gallon of gasoline other than aviation gasoline or one gallon of diesel fuel, as those terms are defined in section 4083 of the Internal Revenue Code.

(2) "Rate of state motor fuel tax" means the rate of tax levied under section [5735.05](#) of the Revised Code on one gallon of gasoline or one gallon of diesel fuel.

(3) "Adjustment date" means a date on which a change in the rate of federal or state motor fuel tax takes effect or, if such a change occurs within six months after an adjustment date, the first day of the seventh month following that adjustment date.

(4) "Fuel tax notice" means a notice described in division (B)(1) of this section.

(5) "Retail pump" means a pump situated at a retail service station through which gasoline or diesel fuel is pumped directly into motor vehicle fuel tanks for consumption.

(6) "Municipal sealer" means a sealer of weights and measures appointed under section [733.63](#) of the Revised Code.

(B)(1) The director of agriculture shall, within ninety days after an adjustment date, design and cause to be produced a notice that displays, in readable font, the following information, which

the director may obtain in consultation with the tax commissioner:

(a) The rate of federal and state motor fuel tax as of the adjustment date. The information required by division (B)(1)(a) of this section shall be categorized and arranged on the notice as such information is categorized and arranged on the following table:

	GASOLINE	DIESEL FUEL
FEDERAL TAX	[Rate of federal motor fuel tax on gasoline other than aviation gasoline]	[Rate of federal motor fuel tax on diesel fuel]
STATE TAX	[Rate of state motor fuel tax on gasoline]	[Rate of state motor fuel tax on diesel fuel]
TOTAL TAX	[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]	[sum of the rate of motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]

Each of the three columns in the table described in division (B)(1)(a) of this section shall be separated by a vertical line and each of the four rows shall be separated by a horizontal line. The table shall be enclosed within lines forming a box such that "federal tax," "state tax," "total tax," and the corresponding gasoline and diesel rates appear as individual cells within a grid pattern.

(b) A representation of the great seal of the state as described in section [5.10](#) of the Revised Code without regard to the minimum dimensions prescribed by that section;

(c) At the bottom of the notice and in a font smaller than that used to display the information described in division (B)(1)(a) of this section, a statement that reads as follows: "THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, O.R.C. 5735.50."

(2) A fuel tax notice shall not display any information other than the information required under divisions (B)(1)(a) to (c) of this section, and shall not display the name of any public official, state employee, or state agency. No color shall be displayed on the notice other than red, white, or blue. The width and length of a fuel tax notice shall not be less than four inches and shall not exceed four and one-half inches.

(3) The director shall, within ninety days after an adjustment date, distribute fuel tax notices to each county auditor or municipal sealer in the number requested by the auditor or sealer under division (C)(1) of this section. The director shall not charge a county auditor, municipal sealer, or any person for the creation or delivery of a fuel tax notice under this section.

(C)(1) Within fifteen days after an adjustment date, the director of agriculture shall notify each county auditor and municipal sealer that the director is designing and causing to be produced fuel tax notices as required under division (B)(1) of this section. Within fifteen days after receipt of such a notice, a county auditor or municipal sealer shall notify the director of the number of fuel tax notices the auditor or sealer requires to perform the auditor's or sealer's duties under division (C)(2) of this section.

(2) Except as otherwise provided in division (C)(3) of this section, each county auditor or municipal sealer or an employee thereof shall affix fuel tax notices received from the director of agriculture on each retail pump the auditor or sealer is required to inspect under the authority of section [1327.52](#) of the Revised Code. Each notice shall be affixed on or before the earlier of fourteen months following the most recent adjustment date or the date the auditor or sealer or an employee thereof arrives on the premises of a retail service station for the purposes of carrying out a required inspection or other official business, including the performance of the auditor's or sealer's duties under section [1327.52](#) of the Revised Code. A fuel tax notice shall be displayed in a clear and prominent manner and shall be affixed on each face of a retail pump on which a meter measuring the volume of gasoline or diesel fuel dispensed is located. A notice shall not be affixed in a manner that obstructs or obscures any other notice or sticker required to be displayed pursuant to federal, state, or local law. A county auditor or municipal sealer or employee thereof shall replace any fuel tax notice that is no longer readable or is no longer affixed as required under division (C)(2) of this section or that has been affixed on a retail pump for more than three consecutive years.

(3) In lieu of fuel tax notices being affixed on each retail pump as required by division (C)(2) of this section, the owner or operator of a retail service station may provide the information required to be displayed on the notice by any of the following means:

- (a) Displaying video messages via video displays visible to users of the retail pump;
- (b) Printing the information on customer receipts;
- (c) Posting the information conspicuously at the public entrance to the premises of the service station.

(D) A county auditor or municipal sealer may notify the director of agriculture at any time if the auditor or sealer requires additional fuel tax notices to perform the auditor's or sealer's duties under this section. Upon receiving such a request, the director shall distribute the number of fuel tax notices so requested to the auditor or sealer.

(E) Nothing in this section makes the owner or operator of a retail service station liable for affixing or maintaining a fuel tax notice.

OHIO ADMINISTRATIVE CODE

OAC 901:6-1-01 Revision of “Handbook 44”

The revision of the "National Institute of Standards and Technology Handbook 44" made by the "National Conference on Weights and Measures" in 2022 and published in the "National Institute of Standards and Technology Handbook 44," 2023 edition, is hereby adopted in its entirety. The "National Institute of Standards and Technology Handbook 44," is available for download from the Ohio department of agriculture website at "<http://agri.ohio.gov/>" or from:

"National Institute of Standards and Technology

100 Bureau Drive, Stop 2600

Gaithersburg, MD 20899-2600

<http://www.nist.gov/>"

OAC 901:6-2-01 National type evaluation program

(A) Application

This regulation applies to any type of device and/ or equipment covered in "National Institute of Standards and Technology (NIST) Handbook 44" (2023 edition) for which evaluation procedures have been published in the national conference on weights and measures (NCWM), Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures" (2023 edition).

(B) Definitions

(1) Active certificate of conformance (CC)- a document issued based on testing by a participating laboratory, which the certificate holder maintains in active status under the national type evaluation program (NTEP). The document constitutes evidence of conformance of a type with the requirements of this document, NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," (2023 edition) and the test procedures contained in NCWM Publication 14. By maintaining the certificate in active status, the certificate holder declares the intent to continue to manufacture or remanufacture the device consistent with the type and in conformance with the applicable requirements. A device is traceable to an active CC if: (a) it is of the same type identified on the certificate, and (b) it was manufactured during the period that the certificate was maintained in active status. For manufacturers of grain moisture meters, maintenance of active status also involves annual participation in the NTEP "Laboratory On-going Calibration Program," OCP (phase II).

(2) Device- a piece of commercial or law enforcement equipment as defined in paragraph (B)(15) of this rule. A device may be a single unit or a combination of separate and compatible main elements. A device includes, at a minimum, those main elements that: (a) perform the measurement, and (b) process the measurement signals up to the first indicated or recorded value of the final quantity upon which the transaction is based.

(3) Director- the director of the Ohio department of agriculture.

(4) Manufactured device- any commercial weighing or measuring device shipped as new from the original equipment manufacturer.

(5) National type evaluation program- a program of cooperation between the NCWM, NIST, other federal agencies, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," (2023 edition) and NCWM, Publication 14, "National Type Evaluation Program, Technical Policy, Checklists, and Test Procedures" (2023 edition).

(6) One-of-a-kind device (non-NTEP)- device designed to meet unique demands for a specific installation and of a specific design which is not commercially available elsewhere (one such device per manufacturer). If a device manufactured for sale by a company has been categorized and tested as a "one-of-a-kind" device and the manufacturer then decides to manufacture an additional device or devices of that same type, the device will no longer be considered a "one-of-a-kind" device by a weights and measures jurisdiction in one state and the manufacturer decides to manufacture and install another device of that same type in

another state. In this case, the manufacturer of the device must request an NTEP evaluation on the device through the normal application process unless NTEP has already deemed that such evaluation will not be conducted.

(7) Participating laboratory- any state measurement laboratory or state weights and measures agency or other laboratory that has been authorized to conduct a type evaluation under the NTEP.

(8) Person- both singular and plural, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

(9) Remanufactured device- a device that is disassembled, checked for wear, parts replaced or fixed, reassembled and made to operate like a new device of the same type.

(10) Remanufactured element- an element that is disassembled, checked for wear, parts replaced or fixed, reassembled, and made to operate like a new element of the same type.

(11) Repaired device- a device to which work is performed that brings the device back into proper operating condition.

(12) Repaired element- an element on which work is performed that brings the element back into proper operating condition.

(13) Type- a model or models of a particular device, measurement instrument, instrument, or element 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.

(14) Type evaluation- the testing, examination and/or evaluation of a type by a participating laboratory under the national type evaluation program.

(15) Commercial and law enforcement equipment; that is:

(a) Commercial weighing and measuring equipment:

(i) Weights and measures and weighing and measuring devices used or employed:

(a) In establishing the size, quantity, extent area, composition (limited to meat and poultry), constituent values (limited to grain), or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award;

(b) When assessing a fee for the use of the equipment to determine a weight or measure;

(c) In determining the basis of an award using count, weight, or measure; or

(d) in computing any basic charge or payment for services rendered based on weight or measure.

(ii) To any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device.

(b) Law enforcement equipment; that is:

Weighing and measuring equipment in official use for the enforcement of law or the collection of statistical information by government agencies.

(C) The director shall require a device to be traceable to an active certificate of conformance (CC) prior to its installation or use for commercial or law enforcement purposes. If the device consists of separate and compatible main elements, each main element shall be traceable to a CC. A device is traceable to a CC if:

- (1) It is identified on the certificate; and
- (2) It was manufactured during the period that the certificate was maintained in active status.

(D) Prohibited acts and exceptions:

- (1) Except for a device exempted by this section, no person shall sell a device unless it is traceable to an active CC.
- (2) Except for a device exempted by this section, no person shall use a device unless it is traceable to an active CC.
- (3) A device in service in Ohio prior to any certificate of conformance requirement that meets the specifications, tolerances, and other technical requirements of NIST Handbook 44 is not required to be traceable to an active CC.
- (4) A device in service in Ohio prior to any certificate of conformance requirement that is removed from service by the owner and returned to service at a later date shall meet all specifications, tolerances, and other technical requirements of NIST Handbook 44 (2023 edition) effective on the date of the return to service is not required to be traceable to an active CC.
- (5) A device in service in Ohio prior to any certificate of conformance requirement which is later repaired shall meet the specifications, tolerances, and other technical requirements of NIST Handbook 44 (2023 edition) but is not required to be traceable to an active CC.
- (6) A device in service in Ohio prior to any certificate of conformance requirement that is still in use may be installed at another location in Ohio provided the device meets requirements in effect as of the date of installation in the new location; however, the device is not required to be traceable to an active CC.
- (7) A device in service in another state prior to any certificate of conformance requirement may be installed in Ohio; however, the device shall meet the specifications, tolerances, and technical requirements for weighing and measuring devices in NIST Handbook 44 (2023 edition) and be traceable to an active CC.
- (8) The director may accept the design of a one-of-a-kind device without an NTEP evaluation pending inspection and performance testing to satisfy that the device complies with NIST Handbook 44 (2023 edition) and is capable of performing within the Handbook 44 requirements for a reasonable period of time under normal conditions of use. Indicators and load cells in all "one-of-a-kind" scale installations must have an active NTEP CC as evidence that the system meets the influence factor requirements of NIST Handbook 44 (2023 edition).

(9) If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the active CC.

(10) If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturers original design; otherwise, that specific device is no longer traceable to an active CC.

(11) The manufacturer who copies the design of a device that is traceable to an active CC, but which is made by another company, must obtain a separate CC for the device. The CC for the original device does not apply to the copy.

(12) If a person buys a load cell(s) and an indicating element that are traceable to CCs and then manufactures a device from the parts, that person shall obtain an active CC for the device.

(E) The director is authorized to:

(1) Operate a participating laboratory as part of the national type evaluation program. In this regard, the director is authorized to charge and collect fees for type evaluation services.

(2) Cooperate with and enter into agreements with any person in order to carry out the purposes of this rule.

(F) All provisions of all orders and rules heretofore issued on this same subject that are contrary to or inconsistent with the provisions of this rule are hereby revoked.

OAC 901:6-3-01 Labeling and packaging

The "National Institute of Standards and Technology Handbook 130, Chapter IV Uniform Regulations, Section A Uniform Packaging and Labeling Regulation" (2023 edition) is hereby adopted in its entirety and is available for download from the Ohio department of agriculture website at "<http://agri.ohio.gov/>" or from

"National Institute of Standards and Technology

100 Bureau Drive, Stop 2600

Gaithersburg, MD 20899-2600

<http://www.nist.gov/>"

OAC 901:6-4-01 Device registration and permitting

(A) Application.

This rule applies only to commercially used weighing and measuring devices that are permitted pursuant to section 1327.501 of the Revised Code.

(B) The director may deny a device registration if:

- (1) The device is not compliant with applicable requirements of "NIST handbook 44" as adopted in rule 901:6-1-01 of the Administrative Code;
- (2) The device is not traceable to a certificate of conformance prior to use for commercial or law enforcement purposes as identified in rule 901:6-2-01 of the Administrative Code;
- (3) The device does not have an identified marking such as a serial or identification number;
- (4) The device is not making the final validation of the transaction;
- (5) The device registration fee has not been paid; or,
- (6) The device owner has violated any section of 1327.501 of the Revised Code.

(C) The director may conduct inspections and performance testing on any commercial devices that require a device registration permit under section 1327.501 of the Revised Code.

(D) The director will afford an opportunity for a hearing in accordance with Chapter 119. of the Revised Code to any owner that is denied a permit under this rule and who requests such hearing.

(E) The department may assess a late penalty of twenty dollars, if a renewal fee is more than sixty days past due.

OAC 901:6-5-01 Retail Sales of Motor Fuel - Definitions

(A) "Biodiesel" means a fuel comprised of at least ninety-nine per cent by volume mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100 or B99.

(B) "Biodiesel blend" means a fuel comprised of a blend of biodiesel with hydrocarbon diesel fuel.

(C) "Compressed natural gas (CNG)" means natural gas which has been compressed and dispensed into fuel storage containers and is suitable for use as a motor fuel.

(D) "Diesel exhaust fluid (DEF)" means a preparation of aqueous urea [(NH₂)₂CO], containing 32.5 per cent by mass of technically-pure urea in high-purity water with quality characteristics defined by the latest version of "ISO 22241, Diesel engines - NO_x reduction agent AUS 32" (edition 2019).

(E) "Diesel fuel" means a refined hydrocarbon suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine that may contain a combination of biodiesel, renewable diesel, and fuel additives.

(F) "Diesel gallon equivalent (DGE)" means 6.384 pounds of compressed natural gas or 6.059 pounds of liquefied natural gas.

(G) "Electric vehicle" means an automobile that is propelled by one or more electric motors using electrical energy stored in rechargeable batteries or another energy storage device.

(H) "Ethanol" also known as "ethyl alcohol" means an ethanol blend component for use in gasoline-ethanol blends by blending denatured fuel ethanol.

(I) "Ethanol flex fuel" means a blend of ethanol and hydrocarbons restricted for use as fuel in ground vehicles equipped with flexible fuel spark ignition engines.

(J) "Gasoline" means a volatile mixture of liquid hydrocarbons containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine.

(K) "Gasoline-Oxygenate Blend" means a fuel consisting primarily of gasoline along with a substantial amount (more than 1 percent by volume oxygenate, or more than 0.3 per cent by volume methanol) not to exceed the total oxygen content permitted by applicable laws and regulations. Examples of oxygenates used in gasoline-alcohol blends are ethanol and butanol.

(L) "Gasoline gallon equivalent (GGE)" means 2.567 kilograms or 5.660 pounds of compressed natural gas.

(M) "Hydrogen fuel" means a fuel composed of molecular hydrogen intended for consumption in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.

(N) "Internal combustion engine" means a device used to generate power by converting chemical energy bound in the fuel via spark-ignition or compression ignition combustion into mechanical work to power a vehicle or other device.

(O) "Liquefied natural gas (LNG)" means natural gas that has been liquefied at minus one hundred sixty-two degrees Celsius or two hundred sixty degrees Fahrenheit and stored in insulated cryogenic tanks for use as a motor fuel.

(P) "Liquefied petroleum gas (LPG)" means a mixture of normally gaseous hydrocarbons, predominantly propane, or butane, or both, that has been liquefied by compression, or cooling, or both to facilitate storage, transport, and handling.

(Q) "Motor fuel" means any liquid or gaseous matter used for the generation of power in an internal combustion engines or electrical energy used to power electrical vehicles.

(R) "Street sign" means a displayed structure bearing letters and symbols used to advertise the retail sale of motor fuel.

OAC 901:6-5-02 Retail Sale of Fuels

(A) Street signage is not required. However, when street signage is used, the sign shall match the product and the price at which the product is displayed.

(1) In the event of a pre or post delivery discount, the highest price available to all consumers shall be posted.

(2) In the event the price is determined by a qualifier, the qualifier must be on the street sign, such as cash or credit, using the highest price available to all consumers.

(3) In the event of a price increase, the price must be changed on the sign prior to the pump, if not simultaneously.

(4) In the event of a price decrease, the price must be changed on the pump prior to the sign, if not simultaneously.

(B) Each retail motor fuel metering device shall:

(1) Display the unit price;

(2) Display the product identity by name, symbol, abbreviation, or code number;

(3) Indicate the amount of fuel delivered during a single retail transaction; and

(4) Indicate the total selling price for a single retail transaction.

(C) Ethanol flex fuel shall be identified as "Ethanol Flex Fuel or EXX Flex Fuel" and labeled in accordance with the 16 C.F.R. Part 306 (2016), federal trade commission, automotive fuel ratings, certification and posting.

(D) Biodiesel shall be identified by the term "Biodiesel" with the designation "B100" or "B99." Biodiesel blends shall be identified by the term "Biodiesel Blend." Biodiesel and biodiesel blends shall be labeled with its automotive fuel rating in accordance with 16 C.F.R. Part 306 (2016). Biodiesel blends that contain less than or equal to five per cent biodiesel by volume are exempt from these requirements when it is sold as diesel fuel.

(E) Liquefied petroleum gas.

(1) Liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by one of the following measurements:

(a) Pound;

(b) Metered cubic foot of vapor which is defined as one cubic foot at sixty degrees Fahrenheit or 15.6 degrees Celsius; or

(c) Gallon which is defined as two hundred thirty-one cubic inches at sixty degrees Fahrenheit or 15.6 degrees Celsius.

(2) All metered sales by the gallon, except those using meters with a maximum rated capacity of twenty gallons per minute or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(F) All compressed natural gas kept, offered, or exposed for sale and sold at retail as a motor fuel shall be measured in terms of mass and indicated in the gasoline gallon equivalents (GGE), diesel gallon equivalents (DGE) units, or mass.

All retail compressed natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement "1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas" or "1 Diesel Gallon Equivalent DGE means 6.384 lb of Compressed Natural Gas" consistent with the method of sale used.

(G) All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a motor fuel shall be measured in mass and indicated in diesel gallon equivalent (DGE) or units of mass.

All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement "1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas."

(H) All hydrogen fuel kept, offered, or exposed for sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen motor fuel shall be in the capital letter "H." The word "hydrogen" may also be used.

(1) A computing dispenser must display the unit price in whole cents on the basis of price per kilogram.

(2) The service pressures of the dispenser must be conspicuously shown on the user interface in bar or the SI unit of pascal (Pa) (e.g., MPa).

(3) The product identity must be shown in a conspicuous location on the dispenser.

(4) Hydrogen shall be labeled in accordance with 16 C.F.R. 309 - FTC labeling alternative fuels (2013) and with the national fire protection association (NFPA) labeling requirements (www.nfpa.org).

(5) Street signage or advertisements must include the service pressure (expressed in megapascals) at which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70). The unit price on street signage or advertisements must be in terms of price per kilogram in whole cents (e.g., 3.49 per kg, not 3.499 per kg).

(I) All electrical energy kept, offered, or exposed for sale and sold at retail as a motor fuel shall be in units in terms of the kilowatt-hour (kWh). In addition to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be based on time measurement and/or a fixed fee.

(1) A computing electric vehicle supply equipment (EVSE) shall display the unit price in whole cents (e.e., 0.12) or tenths of one cent (e.g., 0.119) on the basis of price per kilowatt-hour (kWh). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

(2) For fixed service applications, the following information shall be conspicuously displayed or posted on the face of the device:

(a) The level of electric vehicle (EV) service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and

(b) The type of electrical energy transfer (e.g., AC, DC, wireless).

(3) For variable service applications, the following information shall be conspicuously displayed or posted on the face of the device:

(a) The type of delivery (i.e., variable);

(b) The minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;

(c) The condition under which variations in electrical energy transfer will occur; and

(d) The type of electrical energy transfer (e.g., AC, DC, wireless).

(4) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.

(5) The EVSE shall be labeled in accordance with 16 C.F.R. 309 (2023 edition) - FTC labeling requirements for alternative fuels and alternative fueled vehicles.

(6) The EVSE shall be listed and labeled in accordance with the national electric code (NEC) NFPA 70, article 625 electric vehicle charging systems (2023 edition) (www.nfpa.org).

(7) Where electrical energy unit price information is presented on street signs or in advertising other than on EVSE:

(a) The electrical energy unit price shall be in terms of price per kilowatt-hour (kWh) in whole cents (e.g., 0.12) or tenths of one cent (e.g., 0.119). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

(b) In cases where more than one electrical energy unit price may apply over the duration of a single transaction to sales to the general public, the terms and conditions that will determine each unit price and when each unit price will apply shall be clearly displayed.

(c) For fixed service applications, the following information shall be conspicuously displayed or posted:

(i) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and

(ii) the type of electrical energy transfer (e.g., AC, DC, wireless).

(d) For variable service applications, the following information shall be conspicuously displayed or posted:

(i) the type of delivery (i.e., variable);

(ii) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;

(iii) the conditions under which variations in electrical energy transfer will occur; and

(iv) the type of electrical energy transfer (e.g., AC, DC, wireless).

(8) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs or other advertising.

(J) Diesel exhaust fluid shall be sold in terms of volumetric measure or by mass.

OAC 901:6-7-01 Method of Sale

(A) The "National Institute of Standards and Technology Handbook 130, Chapter IV Uniform Regulations, Section B Uniform Regulation for the Method of Sale of Commodities" (2023 edition) is hereby adopted with the exception of the following paragraphs which are covered under Chapter 901:6-5 of the Administrative Code:

- (1) 2.21. Liquefied petroleum gas;
- (2) 2.27. Retail sales of natural gas sold as a vehicle fuel;
- (3) 2.30. Ethanol flex fuel;
- (4) 2.31. Biodiesel and biodiesel blends;
- (5) 2.32. Retail sales of hydrogen fuel (H);
- (6) 2.34. Retail sales of electricity sold as a vehicle fuel; and
- (7) 2.40. Diesel fuel.

(B) The " National Institute of Standards and Technology Handbook 130, Chapter IV Uniform Regulations, Section B Uniform Regulation for the Method of Sale of Commodities" (2023 edition) is available for download from the Ohio department of agriculture website at "<http://agri.ohio.gov/>" or from:

"National Institute of Standards and Technology

100 Bureau Drive, Stop 2600

Gaithersburg, MD 20899-2600

<http://www.nist.gov/>"

OAC 901:6-8-01 Voluntary registration of Ohio's servicepersons and service agencies

(A) Definitions:

- (1) "Registrant" means a serviceperson or service agency which has been registered by the department.
- (2) "Commercial weighing and measuring device" means any weight, measure, or weighing or measuring device commercially used or employed in establishing size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption which are purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that the accessory's operation affects, or may affect, the accuracy of the device.
- (3) "Serviceperson" means any individual who installs, services, repairs, places into service, or reconditions, for hire, award, commission, or any other payment of kind, a commercial weighing or measuring device.
- (4) "Service agency" means any individual, agency, firm, company, or corporation which for hire, award, commission, or any other payment of kind, installs, services, repairs, places into service, or reconditions a commercial weighing or measuring device.
- (5) "Certificate of registration" means a document issued biennially by the department based on payment of the appropriate fee, satisfactory completion of the qualifying examination, and provided that applicant meets all other applicable requirements of paragraph (D) of this rule.
- (6) "Broken seal form" means the notification form which includes descriptive information about a device and indicates that a security seal has been broken which can be found on the department's website www.agri.ohio.gov.
- (7) "Install" means to move a device to a new location or to put a device into commercial service for the first time.
- (8) "Rejected" means a device that is not correct.
- (9) "Condemned" means a device that needs repair and cannot be used until repaired.
- (10) "Security seal" means a uniquely identifiable physical seal, such as a lead-and-wire seal or other type of locking seal, a pressure sensitive seal sufficiently permanent to reveal the security seal's removal, or similar apparatus attached to a weighing or measuring device for protection against or indicating of access to adjustment, or an audit trail that indicates access to the adjustment.
- (11) "Department" means the Ohio department of agriculture.

(B) Applications:

- (1) Applications by individuals seeking a certificate of registration shall be submitted to the department on forms prescribed by the director which can be found at www.agri.ohio.gov.

(2) All valid and complete applications will include the following information:

- (a) Present residence;
- (b) Location of business to be licensed under this rule;
- (c) Whether the applicant has had any previous registration under this rule or any federal, state, county or local law, ordinance or rule relating to servicepersons and service agencies;
- (d) Whether such applicant has ever had a registration suspended or revoked;
- (e) Whether the applicant has been convicted of a felony; and
- (f) Other information as the department deems necessary to determine if the applicant is qualified to receive a certificate of registration.

(C) Before any certificate of registration is issued, the department will require the applicant for registration to meet the following qualifications:

(1) Have available sufficient standards and equipment appropriate in design and adequate in amount to provide the services for which such person is requesting registration. Such equipment will meet applicable specifications of the "National Institute of Standards and Technology Handbook 105 Series" handbooks 105-1 (2019 edition), 105-2 (2021 edition), 105-3 (2010 edition), 105-4 (2016 edition), 105-5 (1997 edition), 105-6 (1997 edition), 105-7 (1997 edition), 105-8 (2019 edition) or other suitable standards, and have current calibration reports issued by an approved Ohio laboratory as described in paragraphs (F) and (G) of this rule. The "National Institute of Standards and Technology Handbook 105 Series" documentary standards can be found at www.nist.gov.

(2) Passes a qualifying examination for each type of weighing and measuring device to be installed, serviced, reconditioned, or repaired. A non-refundable examination fee of twenty-five dollars is due at the time of applying for the qualifying examination. A new application and examination fee is required for every qualifying examination.

(3) Demonstrates a working knowledge of weighing and measuring devices for which the applicant intends to be registered.

(4) Has a working knowledge of all appropriate Ohio weights and measures laws, rules, and examination procedure outlines.

(5) Pays the prescribed registration fee for the type of registration:

(a) The biennial fee for a serviceperson certificate of registration is seventy-five dollars.

(b) The biennial fee for a service agency certificate of registration is two hundred dollars.

(D) Each registered serviceperson shall have approved report forms known as "Placed In Service Reports." Such forms shall include the assigned registration number and be signed by the registered serviceperson for each rejected device restored to service and for each newly installed device placed in service.

(E) Within seven days after a device is restored to service or placed in service, the original of a properly executed report form or "Placed In Service Report" shall be either mailed or emailed to the department. For devices restored to service following official rejection, the registered serviceperson shall remove any official rejection tag attached to the restored device.

(F) All physical standards and testing equipment that are used for servicing and testing weights and measures devices for which competence is registered shall be submitted to the department for initial and subsequent verification and calibration as least once every two years. A registered serviceperson or agency shall not use, in servicing commercial weighing or measuring devices, any standards or testing equipment that have not been certified or approved by the department.

(G) In lieu of submission of physical standards to the department, the department may accept calibration and/or verification reports from any laboratory that is formally accredited or recognized.

(H) Persons working as apprentices are not subject to registration if the apprentice works with and under the supervision of a registered serviceperson.

(I) The director will:

- (1) Have the right to review all report forms for acceptance or rejection purposes.
- (2) For good cause and after a hearing upon reasonable notice, deny any application for a renewal of registration, or may revoke or suspend the registration of any registrant.
- (3) Publish from time to time as the director deems appropriate, and may supply upon request, lists of registered servicepersons and registered service agencies.
- (4) Assign registration numbers to service agencies and servicepersons if the service agency or serviceperson is determined to be qualified.

OAC 901:6-9-01 Minimum training requirements for weights and measures inspector personnel.

(A) As used in this rule:

(1) "Inspector personnel" and "inspector" means an individual either employed by the Ohio department of agriculture's division of weights and measures, or appointed by a county or city sealer, to inspect weights and measures, and commodities in package form;

(2) "Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any such instruments and devices, except that the term "weights and measures" shall not be construed to include meters for the measurement of electricity, gas, whether natural or manufactured, or water when the same are operated in a public utility system. Such electricity, gas, and water meters, and appliances or accessories associated therewith, are specifically excluded from the purview of the weights and measures laws;

(3) "Commodity in package form" means any commodity put up or packaged in any manner in advance of either wholesale or retail sale;

(4) "Ohio training program" means the two-part self-study program and two comprehensive examinations prescribed and administered by the Ohio department of agriculture.

(5) "NIST handbook 44" means "National Institute of Standards and Technology handbook 44" as adopted in rule [901:6-1-01](#) of the Administrative Code.

(B) All inspector personnel shall participate in the Ohio training program within thirty days after the inspector is appointed. Inspector personnel shall provide the Ohio department of agriculture with current contact information including email within thirty days of appointment.

(C) Ohio training program curriculum

(1) Part one of the Ohio training program consists of twelve individual lessons covering the following subjects:

(a) Lesson one - "history of weights and measures";

(b) Lesson two - "Ohio weights and measures laws and structure";

(c) Lesson three - "introduction to weights and measures ";

(d) Lesson four - "NIST handbook 44, introduction, fundamental considerations and units and systems of weights and measures";

(e) Lesson five - "NIST handbook 44, weights and measures terms and definitions";

(f) Lesson six - "NIST handbook 44, general code";

(g) Lesson seven - "NIST handbook 44, inspecting and testing small capacity scales";

(h) Lesson eight - "NIST handbook 44, inspecting and testing vehicle scales";

(i) Lesson nine - "NIST handbook 44, inspecting and testing liquid measuring devices";

- (j) Lesson ten - "NIST handbook 44, inspecting and testing vehicle tank meters and LPG meters";
- (k) Lesson eleven - "NIST handbook 44, inspecting and testing hopper scales"; and
- (l) Lesson twelve - "NIST handbook 44, inspecting and testing animal and livestock scales."

(2) Part two of the Ohio training program consists of eight individual lessons covering the following subjects:

- (a) Lesson thirteen - "introduction to commodity requirements enforcement";
- (b) Lesson fourteen - "NIST handbook 133 (2023 edition), checking the net contents of packages labeled by weight";
- (c) Lesson fifteen - "NIST handbook 133 (2023 edition), checking the net contents of packages labeled by volume";
- (d) Lesson sixteen - "NIST handbook 133 (2023 edition), checking the net contents of packages labeled by count";
- (e) Lesson seventeen - "NIST handbook 133 (2023 edition), checking the net contents of packages labeled by area, length, thickness";
- (f) Lesson eighteen - "NIST handbook 44, inspecting and testing timing devices";
- (g) Lesson nineteen - "NIST handbook 44, inspecting and testing length and distance measuring devices"; and
- (h) Lesson twenty - "NIST handbook 44, inspecting and testing farm milk tanks."

(D) Ohio training program administration

(1) Upon enrollment, each inspector will be sent a set of lessons. Each set of lessons is to be completed and returned within thirty days of receipt. A grade of eighty per cent is required to pass each lesson and if a lesson is failed, the lesson must be retaken and passed before another set of lessons may be sent. All twenty lessons must be completed within eighteen months of enrollment.

(2) Each inspector shall take comprehensive examinations covering parts one and two of the Ohio training program. Examinations will reflect the material covered in the respective lessons and shall be completed within eighteen months of enrollment of the Ohio training program. The passing grade for the examinations is eighty per cent.

(3) Upon successful completion of parts one and two of the Ohio training program, and receiving a passing score of the examinations as required in paragraphs (D)(1) and (D)(2) of this rule, inspector personnel will receive a certificate and a registration number, and an identification card attesting to the inspector's successful completion of the Ohio training program.

(E) Continuing education

(1) All inspector personnel who have successfully completed the Ohio training program

shall, exclusive of the year in which the inspector completed the Ohio training program, complete a minimum of eight hours per calendar year of training in weights and measures which have been approved by the Ohio department of agriculture.

(2) The division of weights and measures may publish a list of the dates and times of the approved training programs on the Ohio department of agriculture's website www.agri.ohio.gov.

(F) Upon written request, and for good cause shown, the director of agriculture may adjust the number of hours of continuing education required for a calendar year.

(G) For failure to meet or maintain minimum training requirements, the director may take any appropriate legal action authorized by law, including seeking an injunction to enjoin the inspector personnel or other public official from marking devices found to be correct.