



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Standards Division

Stephen Benjamin
Director

April 1, 2008

MEMORANDUM

To: All Licensed Public Weighmasters
From: Stephen Benjamin
Subject: Public Weighmaster Licensing for 2008-2009

We have received several questions over the last year that involved circumstances or situations in which the scale owner/operator questioned whether or not a public weighmaster license and stamp were necessary. This prompted us to review the laws regarding public weighmasters in order to clarify who needs a license and stamp. The original laws were written in 1939 with the last changes occurring in 1981, so they may not always take into account today's business practices and changes in technology.

The purpose of the public weighmaster is to assure a customer that any product that is weighed on a scale has an accurate weight *and* to issue a stamped certificate of weight, this is frequently referred to as a "certified weight". That certified weight may then be used in the sale, purchase or exchange of the product. Many businesses, and government agencies, will only pay invoices or reimbursement claims that include a stamped certificate of weight.

I encourage you to look at your customers to really determine your need. If none of them need a "certified weight", then you will not need to renew your licenses. You may still provide a ticket, but without the weighmaster stamp we would consider that a receipt. As an example, one situation that was presented to us involved a scale owner who was buying a product in bulk for their own use. Both the buyer and several sellers agreed to use the buyer's scale and had an agreement on the price. Since neither party required a certified weight for the transaction, a weighmaster stamp and license are not necessary. The buyer is still responsible for maintenance and calibration of the scale since there is a commercial transaction taking place and it is still subject to inspection by NCDA&CS.

Electronic signatures and computer generated weighmaster stamps have also come up this past year. We have seen computer generated stamps that appeared exactly like the current stamp and requiring a signature, this is acceptable. Another version had all the information contained on the stamp with an electronic signature, which required a login by the user so that the use of that "stamp" was limited only to that individual, this is acceptable.

A one time electronic signature is acceptable, this may occur where the weighmaster is in one building and the weight ticket is printed somewhere else, such as a gatehouse. In this case, for each ticket, a signature is made on a device and then transmitted to the printer. What is not acceptable is a stored electronic signature that anyone would have access to; this is for the protection of the weighmaster! The certificate of weight is a legal document. The weighmaster is responsible for the information on it.

If you have any questions, please feel free to contact either myself or Jerry Butler at (919) 733-3313 or via email - jerry.butler@ncmail.net