

Title 2. Agriculture

Chapter II. State Plant Board, Department of Agriculture

Subchapter D. Weights and Measures

Part 100. Rules Regarding the Adoption of the National Institute of Standards and Technology (NIST) Handbooks

Subpart 1. Generally

2 CAR § 100-101. Violations.

Any person who violates a provision of this part or the standards contained in NIST Handbooks 44, 112, 130, or 133 shall be subject to enforcement action pursuant to the State Plant Board Arkansas Bureau of Standards Enforcement Response Rule, 2 CAR pt. 101.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

2 CAR § 100-102. Effect on existing rules.

This part supersedes any prior rules promulgated by the State Plant Board or the Arkansas Bureau of Standards pertaining to NIST Handbooks 44, 112, 130, and 133.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

2 CAR § 100-103. Severability.

If any court of competent jurisdiction finds provisions of this part invalid or unenforceable, the remaining provisions shall not be affected or impaired and shall continue in force and effect as if the invalid provisions had not existed.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

Subpart 2. NIST Handbook 44

2 CAR § 100-201. Adoption of NIST Handbook 44.

The State Plant Board hereby adopts the NIST Handbook 44, as amended from time to time by the National Conference on Weights and Measures (NCWM), as the uniform standards regarding the regulation of specifications, tolerances, and other technical requirements for weighing and measuring devices to be enforced by the Arkansas Bureau of Standards.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

Subpart 3. NIST Handbook 112

2 CAR § 100-301. Adoption of NIST Handbook 112.

The State Plant Board hereby adopts the NIST Handbook 112, as amended from time to time by the NCWM, as the uniform standards regarding the procedures for commercial weighing and measuring devices to be enforced by the Arkansas Bureau of Standards.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

Codification Notes. "NCWM" means National Conference on Weights and Measures.

Subpart 4. NIST Handbook 130

2 CAR § 100-401. Adoption of NIST Handbook 130.

(a) The State Plant Board hereby adopts the NIST Handbook 130, as amended from time to time by the NCWM, as the uniform standards regarding the regulation of legal metrology and engine fuel quality to be enforced by the Arkansas Bureau of Standards.

(b) Notwithstanding the provisions of the NIST Handbook 130, the board hereby adopts the following provisions regarding the regulation of legal metrology and engine

fuel quality, which shall supersede any conflicting provisions within NIST Handbook 130.

(1) **Retail dispenser labeling of fuel ethanol.**

(A) Each retail dispenser of fuel mixtures containing no more than ten (10) percentage denatured ethanol shall be labeled:

“This fuel product may contain up to 10 percentage ethanol.”

(B) Retail dispensers of fuel ethanol of more than ten (10) percentage ethanol shall be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word “ethanol”.

Example: E15 Ethanol

(2) **Documentation.**

(A) When products regulated by this part are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale.

(B) This document must identify the:

- (i) Quantity;
- (ii) Name of the product;
- (iii) Particular grade of the product;
- (iv) Applicable automotive fuel rating;
- (v) Oxygenate type and content (if applicable);
- (vi) Name and address of the seller and buyer; and
- (vii) Date and time of the sale.

(C) Documentation must be retained at the retail establishment for a period not less than thirty (30) days.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

Codification Notes. "NCWM" means National Conference on Weights and Measures.

Subpart 5. NIST Handbook 133

2 CAR § 100-501. Adoption of NIST Handbook 133.

The State Plant Board hereby adopts the NIST Handbook 133, as amended from time to time by the NCWM, as the uniform standards regarding the regulation of checking the net contents of packaged goods to be enforced by the Arkansas Bureau of Standards.

Authority. Arkansas Code §§ 4-18-303, 4-18-328, 4-18-338.

Codification Notes. "NCWM" means National Conference on Weights and Measures.