

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF CONSUMER PROTECTION
OFFICE OF WEIGHTS AND MEASURES**

102 Governor Street, Richmond, VA 23219

Phone: (804) 786-2476 · Fax: (804) 786-1571 · www.vdacs.virginia.gov

Revised 03/2018

VIRGINIA PUBLIC WEIGHMASTER LICENSE APPLICATION

The Virginia public weighmaster license period is from January 1 through December 31 of each year. Renewal applications are automatically generated and mailed to the company of current Weighmasters prior to December 15 of each year by the Office of Weights and Measures. The license renewal fee is \$10.00 for each Weighmaster and there is a \$15.00 processing fee for the criminal history.

Please read the application completely and follow the instructions on each page of the application making certain each document is correctly completed. Be sure all signatures are obtained to include applicant, notary and witness. On the Employment Eligibility form, be sure that the correct documents have been listed [one from List A **OR** one from **List B AND** one from **List C**]. Be sure to include document numbers and expiration dates (if applicable), i.e.; driver's license number and expiration date. Include a copy of the driver's license of the applicant. Be sure the Criminal History Record Request is signed by the applicant and notarized.

Submit the completed packet along with the **\$25.00 fee** made payable to Treasurer of Virginia to:

**Virginia Department of Agriculture and Consumer Services
Finance Office
PO Box 526
Richmond, VA 23218-0526**

NOTE: Please be aware that the Virginia Public Weighmaster Law requires weighmasters to each have an individual embossed seal for use when weighing and signing weight tickets or certificates. The seal must contain the weighmaster's name and "Commonwealth of Virginia" in the outer circle, with the wording "Licensed Public Weighmaster" in the center of the seal. The weighmaster may also add his/her license number to the inner circle if desired. The following is an excerpt from the Virginia Public Weighmaster Law:

§3.2-5808. Oath and seal of licensed public weighmaster:

Each licensed public weighmaster shall, before entering upon his duties, make oath to execute faithfully his duties. Each licensed public weighmaster shall, at his own expense, provide himself with an impression seal. His name and the words "Commonwealth of Virginia" shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

An example of a weighmaster seal is provided below.



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Public Weighmaster Application

Applicant Name: _____

Applicant Address: _____

Applicant Cell: _____ Home: _____

Please describe your experience weighing and measuring commodities:

The applicant's name will be submitted to the **Virginia State Police Criminal Records System** to determine whether or not the applicant has good moral character as described in the Virginia Public Weighmaster Law §3.2-5802. You **must** complete the attached Criminal History Record Request in order for a criminal background check to be conducted. The request must be signed by the applicant and notarized. The original form must be submitted – no copies.

Applicant Signature: _____ Date: _____

THE FORMS LISTED BELOW ARE REQUIRED TO BE COMPLETED, SIGNED AND RETURNED TO THIS OFFICE, ALONG WITH THE FEE OF \$25.00 PER APPLICANT:

1. Application Form (signed and dated by applicant)
2. Licensed Public Weighmaster Oath (signed by applicant and witness)
3. Employment Eligibility Verification Form (Section 1 completed by Employee – Section 2 must be completed by Employer if applicable)
4. Criminal History Record Request Form (signed by applicant and notarized)
5. Attach copy of driver's license
6. \$25.00 fee, made payable to Treasurer of Virginia

NOTE: Please pay close attention to the requested information when completing forms. Your application will not be processed unless all paperwork is accurately completed, thus causing a delay in becoming a public weighmaster.

RETURN TO: Virginia Department of Agriculture and Consumer Services
Finance Office
PO Box 526
Richmond, VA 23218-0526

Finance Use Only:

\$10.00 Application Fee (865-02193)

\$15.00 Criminal History Fee (865-1268)

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Employer Information (if applicable):

Business Name: _____ Phone: _____

Business Address: _____

Business County/City: _____

How long have you been employed with this company? _____

Scale Information (if applicable):

Please indicate below the scale or scales that will be used in connection with the Public Weighmaster License Program.

Model #: _____ Type of scale (please check appropriate box):

Serial #: _____ Platform Scale: _____

Capacity: _____ Warehouse Scale: _____

Date of last inspection: _____ Vehicle Scale: _____

Model #: _____ Type of scale (please check appropriate box):

Serial #: _____ Platform Scale: _____

Capacity: _____ Warehouse Scale: _____

Date of last inspection: _____ Vehicle Scale: _____

Model #: _____ Type of scale (please check appropriate box):

Serial #: _____ Platform Scale: _____

Capacity: _____ Warehouse Scale: _____

Date of last inspection: _____ Vehicle Scale: _____

Public Weighmaster Oath

I, _____, being licensed as a Public
(Applicant's printed name)

Weighmaster by the Office of Weights and Measures, Division of Consumer Protection of
the Virginia Department of Agriculture and Consumer Services, at the approved scale(s)

belonging to _____ do solemnly swear or
(Company's printed name)

affirm that I will faithfully perform all the duties devolving upon me by reason of such
position and that I will correctly and honestly weigh and make a true record of all such
weights as indicated by the scale(s). I am aware that the Virginia Public Weighmaster
License issued to me shall expire on the 31st day of December of the calendar year for which
the license is issued. I have carefully read the Virginia Public Weighmaster Law and will
perform my duties in accordance with the provisions contained therein.

Applicant Signature: _____ **Date:** _____

Witness Signature: _____ **Date:** _____

Witness Name (print): _____



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number □□□□ - □□ - □□□□		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>	
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>	
QR Code - Section 1 Do Not Write In This Space	

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

Preparer and/or Translator Certification (check one):
 I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



Employer Completes Next Page





Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ **(See instructions for exemptions)**

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State	ZIP Code

Section 3. Reverification and Rehires *(To be completed and signed by employer or authorized representative.)*

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
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I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 	OR	<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <li style="text-align: center;">For persons under age 18 who are unable to present a document listed above: 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	AND	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

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**CRIMINAL HISTORY RECORD REQUEST
VIRGINIA STATE POLICE, RECORDS MANAGEMENT DIVISION
RICHMOND, VA 23261-5076**

COMPLETE PARAGRAPH 1 ONLY of this form for use by the Virginia Department of Agriculture and Consumer Services as part of the application for the Public Weighmaster License:

1. PERSON NAMED IN RECORD

LAST NAME (Print or Type)	FIRST	MIDDLE	MAIDEN	SEX	RACE	DATE OF BIRTH mm/dd/yyyy
PLACE OF BIRTH – County or City	PLACE OF BIRTH – State or Country			SOCIAL SECURITY NUMBER		
				- -		

AFFIDAVIT FOR RELEASE OF INFORMATION

I hereby give consent and authorize the Virginia State Police to search the files of the Central Criminal Records Exchange for any criminal history record and report the results of such search to the Virginia Department of Agriculture and Consumer Services.

Signature of Person Named in Record

NOTARY PUBLIC

State of _____ County/City of _____, to wit:

Sworn to and subscribed before me this _____ day of _____, 20__.

My Commission expires _____

Signature of Notary Public

Registration Number _____

NOTARY SEAL/STAMP

2. VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, 102 GOVERNOR STREET, RICHMOND, VA 23219

As provided for in §19.2-389, Code of Virginia, I hereby request the criminal history record of the individual named in Section 1 above and swear or affirm that I have the consent of the person to obtain his/her record and will not further disseminate the information received, except as provided by law.

Signature of Authorized VDACS Agent

NOTARY PUBLIC

State of _____ County/City of _____, to wit:

Sworn to and subscribed before me this _____ day of _____, 20__.

My Commission expires _____

Signature of Notary Public

Registration Number _____

NOTARY SEAL/STAMP

Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Chapter 58. Public Weighmasters

§ 3.2-5800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Public weighing," means the weighing for any person, upon request, of property, produce, commodities, or articles other than those that the weigher or his employer, or any, is either buying or selling.

"Vehicle" means any device in, upon, or by which any property, produce, commodity, or article is or may be transported or drawn.

Code 1950, §§ 3-709.1, 3-709.17; 1962, c. 126; 1966, c. 702, § 3.1-970, 3.1-986; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5801. Commissioner to adopt regulations.

The Commissioner may adopt regulations he deems necessary to carry out the provisions of this chapter.

Code 1950, § 3-709.2; 1962, c. 126; 1966, c. 702, § 3.1-971; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5802. Qualifications of licensed public weighmasters.

A citizen of the United States or a person who has been lawfully admitted for permanent residence, and is not less than 18 years of age, of good moral character, and who has the ability to weigh accurately and to make correct weight certificates, and who has received from the Commissioner a license as a licensed public weighmaster shall be authorized to act as a licensed public weighmaster.

Code 1950, § 3-709.3; 1962, c. 126; 1966, c. 702, § 3.1-972; 1972, c. 824; 1985, c. 24; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5803. Application for license.

Application for a license as a licensed public weighmaster shall be made upon a form provided by the Commissioner and the application shall furnish evidence that the applicant has the qualifications required by § 3.2-5802.

Code 1950, § 3-709.4; 1962, c. 126; 1966, c. 702, § 3.1-973; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section

may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5804. Determining qualifications of applicant; granting of license; record of applications and licenses.

The Commissioner may adopt guidelines for determining the qualifications of the applicant for a license as a licensed public weighmaster. He may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, or he may examine such applicant orally or in writing or both for the purpose of determining his qualifications. He shall grant licenses as licensed public weighmasters to such applicants as may be found to possess the qualifications required by § 3.2-5802 of this chapter. The Commissioner shall keep a record of all such applications and of all licenses issued thereon.

Code 1950, § 3-709.5; 1962, c. 126; 1966, c. 702, § 3.1-974; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5805. Licenses and renewal fees.

Before the issuance of any license as a licensed public weighmaster, or any renewal thereof, the applicant shall pay to the Commissioner a fee of \$10. Such fees shall be deposited with the State Treasurer to be credited to a fund to be used by the Commissioner for the administration of this chapter.

Code 1950, § 3-709.6; 1962, c. 126; 1966, c. 702, § 3.1-975; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5806. Issuance of limited licenses to certain public officers and employees.

The Commissioner may, upon request and without charge, issue a limited license as a licensed public weighmaster to any qualified officer or employee of a city or county of the Commonwealth or of a state commission, board, institution, or agency, authorizing such officer or employee to act as a licensed public weighmaster only within the scope of his official employment in the case of an officer or employee of a city or county or only for and on behalf of the state commission, board, institution, or agency in the case of an officer or employee thereof.

Code 1950, § 3-709.7; 1962, c. 126; 1966, c. 702, § 3.1-976; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5807. Expiration of licenses; applications for renewal.

Each license as licensed public weighmaster shall be issued to expire on December 31 of the calendar year for which it is issued. Any such license shall be valid through January 31 of the next ensuing calendar year or until issuance of the renewal license, whichever event first occurs, if the

holder thereof shall have filed a renewal application with the Commissioner on or before December 15 of the year for which the current license was issued. Renewal applications shall be in such form as the Commissioner shall prescribe.

Code 1950, § 3-709.8; 1962, c. 126; 1966, c. 702, § 3.1-977; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5808. Oath and seal of licensed public weighmaster; Commonwealth not obligated to pay compensation.

Each licensed public weighmaster shall, before entering upon his duties, make oath to execute faithfully his duties. The issuance of a license as licensed public weighmaster shall not obligate the Commonwealth to pay to the licensee any compensation for his services as a licensed public weighmaster. Each licensed public weighmaster shall, at his own expense, provide himself with an impression seal. His name and the words "Commonwealth of Virginia" shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

Code 1950, § 3-709.9; 1962, c. 126; 1966, c. 702, § 3.1-978; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5809. Form of weight certificate and information to be stated thereon; weight certificate as evidence.

The Commissioner shall prescribe the form of weight certificate to be used by a licensed public weighmaster. The weight certificate shall state the date of issuance, the kind of property, produce, commodity, or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time it was weighed, and such other available information as may be necessary to distinguish or identify the property, produce, commodity, or article from others of like kind. Such weight certificate when so made and properly signed and sealed shall be prima facie evidence of the accuracy of the weights shown.

Code 1950, § 3-709.10; 1962, c. 126; 1966, c. 702, § 3.1-979; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5810. Entries on weight certificate.

A licensed public weighmaster shall not enter on a weight certificate issued by him any weight values but those he has personally determined, and he shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show clearly what weight or weights were actually determined. If the certificate form provides for the

entry of gross, tare, and net weights, in any case in which only the gross, the tare, or the net weight is determined by the weighmaster he shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each weight and the date of each determination.

Code 1950, § 3-709.11; 1962, c. 126; 1966, c. 702, § 3.1-980; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5811. Only suitable, tested and approved weighing devices to be used.

When making a weight determination as provided for by this chapter a licensed public weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed, and that has been tested and approved for use by a weights and measures officer of the Commonwealth within a period of 12 months immediately preceding the date of the weighing.

Code 1950, § 3-709.12; 1962, c. 126; 1966, c. 702, § 3.1-981; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5812. Capacity of scales not to be exceeded; determining gross or tare weight of vehicle or combination of vehicles.

A licensed public weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely, and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed herein, each such separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each such separate unit.

Code 1950, § 3-709.13; 1962, c. 126; 1966, c. 702, § 3.1-982; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5813. Copies of weight certificates to be retained and kept open for inspection.

A licensed public weighmaster shall keep and preserve for at least one year, or for such longer period as may be specified in the regulations authorized to be issued for the enforcement of this chapter, a legible copy of each weight certificate issued by him, which copies shall be open at all reasonable times for inspection by any weights and measures officer of the Commonwealth.

Code 1950, § 3-709.14; 1962, c. 126; 1966, c. 702, § 3.1-983; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5814. Weight certificates issued by weighmasters in other states.

Whenever in any other state that licenses public weighmasters, there is statutory authority for the recognition and acceptance of the weight certificates issued by licensed weighmasters of the Commonwealth, the Commissioner is authorized to recognize and accept the weight certificates of the other state.

Code 1950, § 3-709.15; 1962, c. 126; 1966, c. 702, § 3.1-984; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5815. Certain persons permitted but not required to obtain licenses.

The following persons shall not be required but shall be permitted to obtain licenses as licensed public weighmasters: (i) a weights and measures officer when acting within the scope of his official duties; (ii) a person weighing property, produce, commodities, or articles that he or his employers, if any, is either buying or selling; and (iii) a person weighing property, produce, commodities, or articles in conformity with the requirements of federal statutes or the statutes of his state relative to warehousemen or processors.

Code 1950, § 3-709.16; 1962, c. 126; 1966, c. 702, § 3.1-985; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5816. Certain acts forbidden to persons not licensed as public weighmasters.

No person shall assume the title "licensed public weighmaster," or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster under this chapter, hold himself out as a licensed public weighmaster, issue any weight certificate, ticket, memorandum, or statement for which a fee is charged or engage in the full-time or part-time business of public weighing, unless he holds a valid license as a licensed public weighmaster.

Code 1950, § 3-709.17; 1962, c. 126; 1966, c. 702, § 3.1-986; 2008, c. [860](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5817. Suspension or revocation of license.

The Commissioner is authorized to suspend or revoke the license of any licensed public weighmaster: (i) when he is satisfied, after a hearing upon 10 days' notice to the licensee, that the said licensee has violated any provision of this chapter or of any regulation of the Commissioner affecting licensed public weighmasters; or (ii) when a licensed public weighmaster

has been convicted in any appropriate court of violating any provision of this chapter or of any regulation issued under authority of this chapter.

Code 1950, § 3-709.18; 1962, c. 126; 1966, c. 702, § 3.1-987; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5818. Requesting false weighing or false weight certificate; issuance of weight certificate by unlicensed person.

Any person who requests a licensed public weighmaster to weigh any property, produce, commodity, or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issues a weight certificate simulating the weight certificate prescribed in this chapter and who is not a licensed public weighmaster, is guilty of a Class 4 misdemeanor; and upon a second or subsequent conviction such person is guilty of a Class 2 misdemeanor.

Code 1950, § 3-709.19; 1962, c. 126; 1966, c. 702, § 3.1-988; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5819. Falsification or presealing of weight certificate by licensed weighmaster; delegation of authority to unlicensed person.

Any licensed public weighmaster who falsifies a weight certificate, or who delegates his authority to any person not licensed as a licensed public weighmaster, or who preseals a weight certificate with his official seal before performing the act of weighing, is guilty of a Class 2 misdemeanor.

Code 1950, § 3-709.20; 1962, c. 126; 1966, c. 702, § 3.1-989; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 3.2-5820. Penalty for violation of chapter.

Any person who violates any provision of this chapter or any regulation adopted pursuant thereto for which no specific penalty has been provided is guilty of a Class 4 misdemeanor.

Code 1950, § 3-709.21; 1962, c. 126; 1966, c. 702, § 3.1-990; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Virginia Department of Agriculture and Consumer Services

Division of Consumer Protection - Office of Weights and Measures

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Agency Guidance Document

Document number: 2017-01

Subject: Guidelines for approval of Public Weighmaster licenses

Issue date: April 1, 2017

Expiration date: In effect until rescinded or amended

Purpose:

The purpose of this bulletin is to provide guidelines for processing and approving the public weighmaster license applications received by the Virginia Department of Agriculture and Consumer Services (VDACS).

Background:

VDACS's Office of Weights and Measures (OWM), is responsible for administering and enforcing the provisions of the Virginia Public Weighmasters Law (Law)¹. The Law authorizes the Commissioner of Agriculture and Consumer Services to grant licenses to prospective public weighmasters and adopt guidelines for determining whether an applicant possesses the qualifications prescribed in §3.2-5802 of the Law². This document will prescribe the manner in which VDACS OWM will evaluate each application for a public weighmaster license.

Guidance:

- I. VDACS OWM will provide the application for a public weighmaster license, as approved by the Commissioner, on the VDACS website.
- II. The OWM Program Manager or his designee shall review each submitted application for completion and shall notify the applicant if he has not submitted the appropriate fee or completed the application in its entirety with the required signatures. The OWM Program Manager or his designee shall review each complete application to confirm the following:
 - A. The applicant is lawfully admitted to the United States for permanent residence as determined by the Employment Eligibility Verification;
 - B. The applicant is currently employed with a company operating a public scale;
 - C. The applicant is 18 years of age or older; and
 - D. The applicant has the ability to accurately weigh and make correct weight certificates.

¹ Va. Code § 3.2-5800 *et seq.*

² Va. Code § 3.2-5804

- III. The Program Manager shall sign the Criminal History Record Request and ensure that the signature is notarized. The Program Manager or designee shall then send the Criminal History Record Request to the Virginia State Police Criminal Records Unit for processing.
- IV. If no criminal history record is found by the Virginia State Police Criminal Records Unit, a license may be granted to the applicant by the Program Manager or designee.
- V. If a criminal history record is found by the Virginia State Police Criminal Records Unit, the Program Manger shall examine the criminal history record to determine whether the applicant is of good moral character as required by § 3.2-5802 of the Law. An application for public weighmaster license shall be denied if:
 - A. The applicant has a felony or misdemeanor conviction for a crime of moral turpitude. Moral turpitude crimes involve lying, stealing, or cheating and include, but are not limited to:
 - 1. Robbery;
 - 2. Burglary;
 - 3. Larceny;
 - 4. Embezzlement;
 - 5. Fraud;
 - 6. Forgery; and
 - 7. False Statements; or
 - B. The applicant has a felony or misdemeanor conviction of a crime that involves an act of “baseness, vileness or depravity”³ that would call in to question the applicant’s fitness to faithfully carry out the duties of a public weighmaster. Examples include, but are not limited to, crimes enumerated in Article 7 of Chapter 4 of Title 18.2 of the Code of Virginia, which pertains to criminal sexual assault and Chapter 8 of Title 18.2 of the Code of Virginia, which pertains to crimes involving morals and decency.
- VI. Notwithstanding Section V., if the applicant has been convicted of a crime referenced in Section V., the Program Manager may grant a license if the applicant:
 - A. Has no felony convictions in the five years preceding the date of the application;
 - B. Has no misdemeanor conviction for a crime of moral turpitude in the five years preceding the date of the application;

³ Tasker v. Commonwealth, 202 VA.1019, 1024, 121 S.E.2d 459, 463 (1961)

- C. Has no misdemeanor conviction in the three years preceding the date of the application. The Program Manager may still grant a license if the applicant has conviction, in the three years preceding the date of the application, for a violation of a provision of Title 46.2 of the Code of Virginia pertaining to motor vehicles, if the conviction was not a felony;
 - D. Is not on active probation; and
 - E. Does not have a history of violating the terms of probation or parole in the five years preceding the date of the application.
- VII. If the Program Manager or his designee determines that the applicant does not appear to meet the qualifications established for public weighmasters in Va. Code § 3.2-5803, the Program Manager or designee will send a letter to the applicant stating such and notifying the applicant of the right to request an informal fact finding proceeding pursuant to Va. Code § 2.2-4019 before the application is denied. The letter shall state that the applicant must request this proceeding within 15 days of receipt of the letter.
- VIII. Upon receipt of a request for an informal fact finding proceeding from the applicant, the Program Manager or his designee shall notify the Director of the Division of Consumer Protection. The Director or his designee shall serve as the conference officer for the requested informal fact finding proceeding.
- IX. The Director of the Division of Consumer Protection shall schedule an informal fact finding proceeding and notify the applicant and Program Manager of the location, date, and time of the proceeding.
- X. The conference officer shall hold the informal fact finding proceeding. The conference officer shall notify the applicant of his decision in writing, notify the applicant of the right to appeal the decision of the informal fact finding proceeding in a formal hearing authorized by Va. Code § 2.2-4020, and notify the applicant that a request for a formal hearing must be made in writing to the Commissioner of Agriculture and Consumer Services within 15 days of receipt of the conference officer's decision.
- XI. Upon receipt of a properly filed request for a formal hearing, the Commissioner shall request that the Program Manager arrange for a Hearing Officer, court reporter, and location for the formal hearing and notify the applicant of the location, date, and time of the formal hearing.
- XII. The Hearing Officer shall hear the relevant information about the license application and applicant, transmit his findings and recommendations to the Commissioner as required by Va. Code § 2.2-4024(D), and inform the applicant of his right under Va. Code § 2.2-4021(A) to address the Commissioner.
- XIII. The Commissioner shall consider the findings and recommendations of the hearing officer and render a case decision within the timeframe established in Va. Code § 2.2-4021(C).