

**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 March 2009

VIRGINIA PUBLIC WEIGHMASTER LICENSE APPLICATION

Virginia Public Weighmaster license period is from January 1st through December 31st of each year. Renewal applications are automatically generated and mailed to the company by the Office of Weights and Measures to current Weighmasters prior to December 15th of each year. The license renewal fee is \$10.00 for each Weighmaster.

Please read 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, witness and owner/manager of business. 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
Office of Weights and Measures
PO Box 1163
Richmond, VA 23218-0526**

NOTE: Please be aware that the Virginia Public Weighmaster Law requires your 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.

Please contact our office if an example of the impression seal is needed. The Public Weighmaster seal is your responsibility and can be purchased at most office supply stores.

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PUBLIC WEIGHMASTER APPLICATION

Applicant's Name: _____

Applicant's Address: _____

Employer: _____ Business Phone: _____

Business Address: _____
(Street/PO Box) (City) (State) (Zip)

City/County where Business Located: _____

How long have you been employed with this company? _____

What is your experience (years) in weighing commodities? _____

The applicant's name will be submitted to the **Virginia State Police Criminal Records System** to determine whether or not the applicant has been convicted of a felony or other crime involving moral turpitude. 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's 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. Application for Appointment of Licensed Public Weighmaster (signature of owner or manager and completed scale information **required**)
3. Licensed Public Weighmaster Oath (signed by applicant and witness)
4. Employment Eligibility Verification Form (Section 1 completed by Employee – Section 2 must be completed by Employer)
5. Criminal History Record Request Form (signed by applicant and notarized)
6. Attach copy of driver's license
7. \$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
Office of Weights and Measures
PO Box 1163
Richmond, VA 23218-0526**

Finance Use Only:
\$10.00 Application Fee (865-02193)
\$15.00 Criminal History Fee (865-1268)

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APPLICATION FOR APPOINTMENT OF A LICENSED PUBLIC WEIGHMASTER

Application is hereby made by the undersigned for the approval of a Virginia Licensed Public Weighmaster to operate a scale by me, the company, as a public scale at the location designated below.

I agree to pay to the Office of Weights and Measures, Division of Consumer Protection, Virginia Department of Agriculture and Consumer Services, for services performed in supervising such weighmaster as may be approved and licensed, a fee of \$10.00 per annum for each weighmaster licensed.

Firm or Trade Name: _____

Business Address: _____
(Physical)

(City)

(State)

(Zip)

Business Phone: _____ Business Fax: _____

By: _____
Signature of OWNER or MANAGER

SCALE INFORMATION:

Please indicate below the scale or scales that will be used in connection with the Public Weighmaster License Program. (If you have more than one scale, copy this form and complete for each scale and attach).

Model No: _____

Type of Scale (Check appropriate box)

Serial No: _____

Platform Scale _____

Capacity: _____

Warehouse Scale _____

Date Last Tested: _____

Vehicle Scale _____

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PUBLIC WEIGHMASTER OATH

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

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 _____
(Company's printed name)

_____do solemnly swear or 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 do acknowledge that this license is issued to the location of the
employer and is non-transferable. I am further aware that this license allows me to act as a Licensed
Public Weighmaster for the employer stated on the application. Should my employment be
terminated, I will immediately notify the Office of Weights and Measures. I have carefully read the
Virginia Public Weighmaster Law and agree to perform my duties in accordance with its provisions.

Signed: _____
Public Weighmaster

Witness: _____
Signature

Print Name

Date: _____

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

| | | | |
|--|-------|---|--------------------------------|
| Print Name: Last | First | Middle Initial | Maiden Name |
| Address (Street Name and Number) | | Apt. # | Date of Birth (month/day/year) |
| City | State | Zip Code | Social Security # |
| 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): | |
| | | <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____ | |
| Employee's Signature | | | Date (month/day/year) |

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

| | |
|---|------------|
| Preparer's/Translator's Signature | Print Name |
| Address (Street Name and Number, City, State, Zip Code) | |
| Date (month/day/year) | |

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

| List A | OR | List B | AND | List C |
|---------------------------------|----|--------|-----|--------|
| Document title: _____ | | _____ | | _____ |
| Issuing authority: _____ | | _____ | | _____ |
| Document #: _____ | | _____ | | _____ |
| Expiration Date (if any): _____ | | _____ | | _____ |
| Document #: _____ | | _____ | | _____ |
| Expiration Date (if any): _____ | | _____ | | _____ |

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

| | | |
|---|------------|-----------------------|
| Signature of Employer or Authorized Representative | Print Name | Title |
| Business or Organization Name | | Date (month/day/year) |
| Address (Street Name and Number, City, State, Zip Code) | | |

Section 3. Updating and Reverification. To be completed and signed by employer.

| | | |
|--|--|---------------------------------|
| A. New Name (if applicable) | B. Date of rehire (month/day/year) (if applicable) | |
| C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. | | |
| Document Title: _____ | Document #: _____ | Expiration Date (if any): _____ |

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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 | Date (month/day/year) |
|--|-----------------------|

LISTS OF ACCEPTABLE DOCUMENTS

| LIST A | LIST B | LIST C | | |
|---|-----------------------------------|--|-----|--|
| Documents that Establish Both Identity and Employment Eligibility | Documents that Establish Identity | Documents that Establish Employment Eligibility | | |
| <ol style="list-style-type: none"> 1. U.S. Passport (unexpired or expired) 2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>) 3. Certificate of Naturalization (<i>Form N-550 or N-570</i>) 4. Unexpired foreign passport, with <i>I-551</i> stamp or attached <i>Form I-94</i> indicating unexpired employment authorization 5. Permanent Resident Card or Alien Registration Receipt Card with photograph (<i>Form I-151 or I-551</i>) 6. Unexpired Temporary Resident Card (<i>Form I-688</i>) 7. Unexpired Employment Authorization Card (<i>Form I-688A</i>) 8. Unexpired Reentry Permit (<i>Form I-327</i>) 9. Unexpired Refugee Travel Document (<i>Form I-571</i>) 10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (<i>Form I-688B</i>) | 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 <p style="text-align: center; font-weight: bold; margin: 5px 0;">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 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. U.S. social security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>) 2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>) 3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (<i>Form I-197</i>) 6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>) 7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>) |

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

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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

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.

§ 3.2-5801. Commissioner to adopt regulations.

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

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.