



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-104.1

Summary

Weights and Measures Amendment of the NIST 130 Handbook

Hearing Date and Time

Thursday, May 29, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the rule listed in this notice. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/86218841480>

Meeting ID: 862 1884 1480; Password: 381918

Dial by Telephone: +1 646 558 8656

Meeting ID: 862 1884 1480; Password: 381918

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received by Friday, June 6, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, May 22, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.351.105 ADOPTION OF STATE WEIGHTS AND MEASURES STANDARDS AND RECOMMENDATIONS

- (1) Subject to the provisions of Title 32, chapter 12, part 2, and Title 82, chapter 15, part 1, MCA, the bureau adopts and incorporates by reference the following publications for weights and measures in Montana:
 - (a) NIST Handbook 44, 2023 edition: Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices with the following modifications:
 - (i) Delete paragraph UR.3.3. Single-Draft Weighing found in section 2.20, Scales.
 - (ii) Delete paragraph UR.2.2. Ticket Printer, Customer Ticket found in section 3.31, Vehicle-Tank Meters.
 - (b) NIST Handbook 130, 2023 edition: Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality with the following modifications:
 - (i) Delete in its entirety III, Uniform Laws part B, Uniform Weighmaster Law.

- ~~(i)~~(ii) IV Uniform Regulations part A, Uniform Packaging and Labeling Regulation section 14, insert in the blank space January 1, 2024, for the effective date.
- ~~(ii)~~(iii) IV Uniform Regulations part B, Uniform Regulation for the Method of Sale of Commodities, section 5 insert in the blank space January 1, 2024, for the effective date.
- (iv) Delete in its entirety IV Uniform Regulations part C, Uniform Unit Pricing Regulation.
- ~~(iii)~~(v) IV Uniform Regulations part D, Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices, section 3, Registration Fee, insert in all blank spaces, \$25.00. Section 8 insert P.O. Box 200516 Helena Mt 59620 in the blank space.
- ~~(iv)~~(vi) IV Uniform Regulations part E. Uniform Regulation for National Type Evaluation, section 4(c) through (g) insert in all blank spaces January 1, 2024, for the effective date.
- ~~(v)~~(vii) IV Uniform Regulations part E. Uniform Regulation for National Type Evaluation, section 7, insert in the blank space January 1, 2024, for the effective date.
- (viii) IV Uniform Regulations part F, Uniform Fuels and Automotive Lubricants Regulation, section 2.1.2. Gasoline-Ethanol Blends. (a), is deleted and replaced with the following subsection: “(a) The maximum vapor pressure shall not exceed the latest version of ASTM D4814, ‘Standard Specification for Automotive Spark-Ignition Engine Fuel,’ limits by more than 1.0 psi year-round for gasoline-ethanol blends above 1%.”
- ~~(c)~~ ~~NIST Handbook 130, 2023 edition: Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality with the following modifications:~~
 - ~~(i)~~ ~~Delete in its entirety Section III, part B Uniform Weighmaster Law.~~
 - ~~(ii)~~ ~~Delete in its entirety Section IV, part C Uniform Unit Pricing Regulation.~~
- ~~(d)~~(c) NIST Handbook 133, 2022 edition: Checking the Net Contents of Packaged Goods.
- (2) A copy of NIST Handbooks 44, 130, and 133 can be obtained from the United States Department of Commerce, National Institute of Standards and Technology, National Conference on Weights and Measures, Gaithersburg, MD 20899-0001, or online at www.nist.org.

Authorizing statute(s): 30-12-202, 82-15-102, MCA

Implementing statute(s): 30-12-202, 30-12-205, 30-12-401, 30-12-406, 30-12-407, 30-12-408, 30-12-409, MCA

Reasonable Necessity Statement

The proposed amendments to (1)(b) and the repeal of (1)(c) are necessary to condense the adoption of and amendments to the NIST Handbook 130, 2023 edition, into one subsection. Formatting the rule to include all the amendments to the NIST Handbook 130 under one subsection conforms with rule-writing standards, and the amendments help to clarify and simplify the rule.

The proposed amendment in (1)(b)(viii) adopting the one-pound waiver is necessary because gasoline-ethanol blends are regularly sold in Montana and other “high altitude states.” The proposed amendment restores the one-pound waiver contained in the NIST 130 Handbook, 2012 edition, that was effective until the department adopted the 2023 edition in ARM 24.351.105, 2023 Montana Administrative Register, page 1871, effective January 1, 2024.

Small Business Impact

Pursuant to 2-4-111(1), MCA, the small businesses that will probably be affected by the proposed rule change are small gas stations and other fuel suppliers in Montana that sell and distribute gasoline-ethanol blends. Although this rule change will likely have a positive effect on small businesses by allowing a 1.0 psi variation of vapor pressure for the gasoline-ethanol blends year-round, the agency has determined that the proposed rule change will not create a significant and direct impact on these small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner