

7601.7090 PROBLEM RESOLUTION; CERTIFICATE OF REGISTRATION.

Subpart 1. **Director may inspect.** The director may, at any time, inspect the work performed by a registrant. The director shall use these inspections to determine whether the registrant is performing repairs in compliance with Minnesota Statutes and department rules.

Subp. 2. **Problem resolution system, list of violations.** Each of the following acts are considered a violation of department rules. When the director finds that a registrant has committed one or more of the following violations, the director shall impose an appropriate remedial action described in subparts 3 to 7. The conditions for determining the appropriate remedial action are included with each remedial action in subparts 3 to 7. Violations include:

A. failing to submit a placing in service report for commercial weighing or measuring equipment that the registrant has installed, adjusted, or repaired;

B. submitting a placing in service report that is incomplete or that contains inaccurate information;

C. placing in service any weighing or measuring equipment without performing a test utilizing the test equipment required by the director under part 7601.7080;

D. placing in service any weighing or measuring equipment that does not meet the specifications, tolerances, and other requirements of department rules, including the requirements of NIST Handbook 44;

E. placing in service any weighing and measuring equipment after a registrant's certificate of registration has expired;

F. removing a rejection tag after a registrant's certificate of registration has expired;

G. failing to install a security seal as required by part 7601.7060, subpart 4;

H. incorrectly installing a security seal so that it is possible to adjust the accuracy or change the calibration of weighing or measuring equipment without removing, damaging, or defacing the security seal;

I. continuing to install, adjust, or repair commercial weighing or measuring equipment after the director has suspended the registration certificate for up to 30 days;

J. continuing to install, adjust, or repair commercial weighing or measuring equipment after the director has suspended the registration certificate for up to 90 days; or

K. failing to pay a registration fee or equipment calibration fee more than 90 days after the division has issued an invoice for payment to the registered person.

Subp. 3. **Additional training.** The director shall require a registrant to attend additional training or tutoring offered by the division if the director finds that a registrant has committed any of the violations listed in subpart 2, items A to H.

Subp. 4. **Warning letter.** The director shall issue a warning letter to a registrant if the director finds that the registrant has committed any of the violations listed in subpart 2, items A to H. The warning letter must state that the registrant has violated department rules, must specify the violations, and must state that the director may suspend or revoke the registration certificate for continued violations.

Subp. 5. **30-day suspension.** The director shall suspend a registration certificate for up to 30 days if the director finds that a registrant has committed, on three or more occasions within a 90-day period, any of the violations in subpart 2, items A to H. The director shall inform the registrant in writing of the suspension, the reasons for the suspension, and the privileges that must not be exercised while the certificate is under suspension.

Subp. 6. **90-day suspension.** The director shall suspend a registration certificate for up to 90 days if the director finds that a registrant has committed, on six or more occasions within a 90-day period, any of the violations in subpart 2, items A to H, or if the director finds that a registrant has committed the violation in subpart 2, item I, at any time. The director shall inform the registrant in writing of the suspension, the reasons for the suspension, and the privileges that must not be exercised while the certificate is under suspension.

Subp. 7. **Revocation.** The director shall revoke a registration certificate if the director finds that a registrant has committed either of the violations in subpart 2, items J and K. The director shall inform the registrant in writing of the revocation, the reasons for the revocation, and the activities that are prohibited by the revocation.

Subp. 8. **Reinstatement.** The director shall reinstate a registration certificate that has been revoked if the director receives an application for reinstatement from a person whose registration certificate has been revoked, if the applicant has paid all registration fees and calibration fees required in part 7602.0100, and the applicant has met all of the requirements of parts 7601.7010 to 7601.7040. The director must not reinstate a registration certificate that has been under revocation for less than 120 days.

Statutory Authority: *MS s 239.06*

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