

Table of Contents

20.06.02 - LICENSING AND CHECKSCALES OF THE IDAHO BOARD OF SCALING PRACTICES

000. -- 002. (RESERVED).	2
003. ADMINISTRATIVE APPEALS.	2
004. -- 009. (RESERVED).	2
010. DEFINITIONS.	2
011. SCALING.	2
012. -- 099. (RESERVED).	3
100. BOARD.	3
101. PAYMENT FOR LOGGING AND HAULING.	5
102. -- 200. (RESERVED).	5
201. APPLICATION FOR LICENSE.	5
202. -- 225. (RESERVED).	5
226. APPRENTICESHIP CERTIFICATE.	5
227. -- 230. (RESERVED).	6
231. TEMPORARY PERMITS.	6
232. -- 299. (RESERVED).	6
300. RESTRICTED LICENSES.	6
301. -- 399. (RESERVED).	7
400. STANDARD SCALER'S LICENSE.	7
401. -- 499. (RESERVED).	9
500. EXAMINATION.	9
501. -- 599. (RESERVED).	11
600. CHECK SCALING.	11
601. -- 646. (RESERVED).	12
647. VIOLATIONS.	12
648. -- 699. (RESERVED).	12
700. RECORDING MEASUREMENTS ON SCALE TICKETS.	12
701. -- 999. (RESERVED).	12

**IDAPA 20
TITLE 06
CHAPTER 02**

**20.06.02 - LICENSING AND CHECKSCALES OF THE
IDAHO BOARD OF SCALING PRACTICES**

000. -- 002. (RESERVED).

003. ADMINISTRATIVE APPEALS.

01. Board Hearing. Any scaler, seller, user, producer, buyer, or hauler of forest products aggrieved by any check scaling report may appeal the report to the Board. The Board shall hear and determine such appeal as a contested case as provided in Title 67, Chapter 52. Idaho Code. Any person aggrieved by any action of the Board in denying, suspending or revoking his license may appeal therefrom to the district court as provided in Sections 67-5215 or 67-5216 Idaho Code. (10-18-84)

004. -- 009. (RESERVED).

010. DEFINITIONS.

01. Board. The term "Board" means the Idaho State Board of Scaling Practices. (10-18-84)

02. Forest Products Measurement. For the purpose of payment for logging or hauling logged forest products only, forest products shall be measured by gross weight, or by gross volume converted to gross decimal "C" or gross cubic volume. Measurement may be determined by a sampling process. (7-1-93)

03. Original Scale. The term "original scale" is hereby defined as the scale first performed by a licensed scaler pursuant to the provisions of Title 38, Chapter 12, Idaho Code. (10-18-84)

04. Purchaser. Purchaser means the principal individual, partnership, or corporation entitled to ownership of forest products harvested based on the first determination of the scale of the forest products. The term "purchaser" as used herein shall also include the owner of the timber where the owner processes or utilizes the forest products in its operations or where the owner sells forest products outside the state of Idaho and the forest products are first scaled within the state of Idaho. (7-1-93)

05. Scaler and Professional Scaler. The term "scaler" and "professional scaler" means a person who is qualified by reason of his knowledge of the principles of scaling acquired by professional education and/or practical experience, to engage in the practice of scaling forest products. (10-18-84)

06. Scaling. The term "scaling" means the quantitative measurement of logs or other forest products by means of a log rule. The term "scaling" shall include any professional scaling service rendered in connection with the measurement of forest products, or supervision of scaling when such service is rendered requiring the application of scaling principles and data. (10-18-84)

011. SCALING.

01. General. Every person practicing or offering to practice log scaling as herein defined, shall submit evidence of his qualifications and be licensed as hereinafter provided, and it shall be unlawful for any person to practice or offer to practice log scaling where the scaled quantities derived from such scaling shall be used for commercial purposes in this state, unless such person has been duly licensed under the provisions of Title 38, Chapter 12, Idaho Code or is an apprentice under the supervision of a licensed scaler. (10-18-84)

02. Scaling Methods. (10-18-84)

a. The method of scaling the various forest products for commercial purposes shall be in accordance with Subsection 010.02 provided that the basis for determining board foot volumes shall be in accordance with the provisions of Title 38, Chapter 12, Idaho Code and provided further that such method must be agreed upon in writing by all parties concerned. (10-18-84)

b. All parties to any log scaling agreement, except logging and hauling agreements, may elect to scale as between themselves on the basis of the mensuration criteria from the National Forest Log Scaling Handbook, whether or not such logs are produced from federal land or measured by employees of an agency of the United States government. Forest products scaled or otherwise measured by or for any agency of the United States government shall not be affected by these rules. The licensing and bonding provisions of these rules do not apply to any person measuring logs for any agency of the United States government, unless such agency so elects. (10-18-84)

012. -- 099. (RESERVED).

100. BOARD.

01. **Membership.** The Board shall consist of the director of the department of lands and four members appointed by the governor from among nominees recommended by the organized and generally recognized state forestry associations provided not less than two (2) Board members be appointed from the Idaho Forest Industry Council, and not less than two (2) members be appointed from the Associated Logging Contractors of Idaho, Inc., each association to have one (1) member from north of the Salmon river and one (1) member from south of the Salmon river. (10-18-84)

02. **Qualifications.** Appointive members of the Board shall be citizens of the United States and residents of this state, and they shall have been regularly engaged in the timber products industry for at least five (5) years, and at least two (2) of whom shall have had experience in the practice of scaling. (10-18-84)

03. **Terms.** On the expiration of the term of any member his successor shall be appointed in like manner by the governor for a term of three (3) years and unexpired terms shall be filled for the unexpired balance of the term. (10-18-84)

04. **Oath.** Each member of the Board shall take, subscribe and file the oath required by Chapter 4, Title 59, Idaho Code, before entering upon the duties of his office. (10-18-84)

05. **Compensation.** Each member of the Board shall receive as compensation for his services such sum as the Board from time to time may fix, but not exceeding thirty-five dollars (\$35) for each day actually spent in attending the work of the Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, he shall be reimbursed within legal limitations for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of Title 38, Chapter 12, Idaho Code. (10-18-84)

06. **Removal and Vacancies.** The governor may remove any member of the Board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the governor as provided in Subsection 100.03. (10-18-84)

07. **Officers.** The director of the Department of Lands shall be Chairman of the State Board of Scaling Practices and the Board shall annually elect a Vice-Chairman and a Secretary, who shall be members of the Board. Four (4) members shall constitute a quorum. (10-18-84)

08. **Surety Bond.** The secretary of the Board shall give a surety bond to the state in such sum as the Board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the Board, and shall be paid out of the "state scaling account." The secretary of the Board shall receive such salary as the Board shall determine in addition to the compensation and expenses provided in Subsection 100.05. (10-18-84)

09. **Official Seal.** An official seal of the state board of scaling practices is hereby adopted. The seal shall be round, of a diameter of at least one and one-half inches (1-1/2"), and be so constructed that it may readily be imprinted on paper. The seal, as hereby adopted, appears in the appendix hereto. (10-18-84)

10. **Regular Meetings.** The Board shall hold a meeting within thirty (30) days after its members are first appointed, provided, that the Board shall hold at least four (4) regular meetings each year. (10-18-84)

11. **Special Meetings.** The Board shall hold such special meetings as the Board may provide. Upon motion of any two (2) members, the Presiding Officer shall schedule a special meeting, provided, that such motion is

submitted in writing by the moving members and describes the reason for such meeting. (10-18-84)

12. Notice of Meetings. Notice of all meetings herein above described shall be given by the Presiding Officer provided that a quorum of the Board members shall be in attendance and that the members shall be notified at least two (2) days prior to any scheduled meeting date. (10-18-84)

13. Assessment. An assessment will be levied on the scale of all forest products harvested within the state of Idaho in an amount not to exceed twenty cents (\$.20) per thousand (1,000) board feet or twelve cents (\$.12) per unit. The assessment herein provided shall be levied against and paid by the purchaser. Said assessment shall be transmitted on forms provided by the Board (Form #4, sample in appendix) to the Board on or before the 20th day of each month for all forest products harvested during the previous month. On forest products harvested and purchased solely on the basis of weight, no levy of assessment is applicable. (7-1-93)

14. State Scaling Account. (10-18-84)

a. The secretary of the Board shall receive and account for all monies derived under the provisions of Title 38, Chapter 12, Idaho Code and shall pay the same monthly to the State Treasurer, who shall keep such monies in a separate account to be known as the "state scaling account", which is hereby created in the state treasury. Such account shall be kept separate and apart from all other monies in the treasury, and shall be paid out only on approval of the Board. All monies in the "state scaling account" are hereby specifically appropriated for the use of the Board. The Board may establish, maintain, and use a rotary account as provided by state law. (10-18-84)

b. All warrants on said "state account" shall be drawn by the state auditor on vouchers by the Board and the State Board of Examiners. (10-18-84)

15. Records and Register. (10-18-84)

a. The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show: (10-18-84)

i. The name and age of each applicant. (10-18-84)

ii. The date of the application. (10-18-84)

iii. The place of business of each applicant, which shall be deemed to be his permanent residence. (10-18-84)

iv. His qualifications as a scaler. (10-18-84)

v. Whether the applicant was rejected. (10-18-84)

vi. Whether a certificate of registration was granted. (10-18-84)

vii. The dates of the action of the Board. (10-18-84)

viii. Such other information as may be deemed necessary by the Board. (10-18-84)

ix. The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced. (10-18-84)

x. A roster showing the names and places of business as herein above defined of all licensed scalers shall be published by the secretary of the Board during the month of December of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the secretary of state, and furnished to the public upon request. (10-18-84)

b. Reports. Annually the Board shall submit to the governor a report of its transactions of the

preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its chairman and its secretary. (10-18-84)

101. PAYMENT FOR LOGGING AND HAULING.

For the purposes of payment for logging or hauling logged forest products only, scaling shall be performed in accordance with rules adopted by the board. (7-1-93)

102. -- 200. (RESERVED).

201. APPLICATION FOR LICENSE.

- 01. General. (10-18-84)
 - a. Except as herein otherwise expressly provided, no license shall be issued until an applicant has successfully passed an examination by or under the supervision of the Board, nor shall a license be issued to an applicant having habits or character that would justify revocation or suspension of his certificate. (10-18-84)
 - b. Each applicant must furnish minimum evidence that he is qualified to take the examination as required by these rules. In addition the applicant must furnish evidence satisfactory to the Board that the applicant possesses knowledge and skill of character satisfactory to the Board and indicating that the applicant is competent to practice scaling. (10-18-84)
 - c. Any person having the necessary qualifications prescribed under Title 38, Chapter 12, Idaho Code to entitle him to be licensed as a log scaler shall be eligible for such registration although he may not be practicing his profession at the time of making his application. (10-18-84)
 - d. Form. Application for registration shall be on Form Number 1, a copy of which is included in the appendix. (10-18-84)
 - 02. Filing Instructions. (10-18-84)
 - a. The application shall be made under oath, and shall show the applicant's education, experience and a detailed summary of his technical work; and the applicant shall furnish not less than three (3) references. (10-18-84)
 - b. The applicant will indicate which of the following is being applied for: (10-18-84)
 - i. Apprenticeship Certificate. (10-18-84)
 - ii. temporary Scaling Permit. (10-18-84)
 - iii. Restricted Scaling License. (10-18-84)
 - iv. Standard Scaling License. (10-18-84)
- 202. -- 225. (RESERVED).**
- 226. APPRENTICESHIP CERTIFICATE.**
- 01. General. Will be issued at no charge to those individuals with no previous scaling experience who wish to practice scaling techniques in view of becoming a licensed scaler. (10-18-84)
 - 02. Procedure. Those persons wishing to obtain an apprenticeship certificate (example included in appendix, Form Number 2) will make application to the Board as outlined under Subsection 201.02. (10-18-84)
 - 03. Regulations. (7-1-93)

a. After making application a candidate will be required to take the written examination. Upon passing the written examination the Apprenticeship Certificate will then be issued. (10-18-84)

b. Apprenticeship certificates shall require the apprentice to scale as an apprentice for a period of ninety (90) working days and at the expiration of said ninety (90) day period to take the licensed scaler's examination as provided in Title 38, Chapter 12, Idaho Code. (10-18-84)

c. The apprentice shall be authorized to scale only under the direct supervision of a licensed scaler. The scale determined by the apprentice will under no circumstances be used as the sole basis for payment. (10-18-84)

d. Upon completion of the ninety (90) working days the apprentice will submit the required twenty-five dollar (\$25) fee. He will then be required to take and pass the practical examination prior to becoming a licensed scaler. (10-18-84)

e. The maximum time period allowed to complete the apprenticeship training shall not exceed six (6) months. (10-18-84)

227. -- 230. (RESERVED).

231. TEMPORARY PERMITS.

01. General. Temporary permits (example included in appendix, Form Number 3) may be issued only where there are no available scalers in the area and the surrounding circumstances warrant the issuance of a temporary permit. (10-18-84)

02. Procedure. Those applying for a temporary permit must: (10-18-84)

a. Complete the standard application form. (10-18-84)

b. Remit the required twenty-five dollar (\$25) fee. (10-18-84)

c. Submit a letter from the employer describing the circumstances that would warrant the issuance of a temporary permit. (10-18-84)

d. Take and pass the written portion of the scaler's examination and demonstrate practical scaling abilities in the form of an acceptable check scale whenever possible, as soon as possible but not to exceed ten (10) days from date permit is issued. (7-1-93)

03. Regulations. (7-1-93)

a. Permits shall be issued for a period not to exceed three (3) months. The scale determined by the holder of a temporary permit may be used as a basis for payment. (10-18-84)

b. Should the holder of a temporary permit fail to appear to take the practical portion of the scaler's examination after being notified in writing of the time and place of said examination the temporary permit will be canceled. The only exception will be where the permittee notifies the Board prior to examination time of a justifiable reason why he is unable to appear. (10-18-84)

c. Temporary permits will not be issued to those applicants or re-licensees who have failed the practical examination two or more times until thirty (30) days following the individual's last exam failure. (7-1-93)

232. -- 299. (RESERVED).

300. RESTRICTED LICENSES.

01. General. (10-18-84)

- a. May be issued by the Board to handle situations where the applicant would not be required to possess the exacting skills needed to scale sawlogs or similar products. Restriction will be noted on the face of the certificate and will cover limitations as to: (10-18-84)
 - i. Certain species. (10-18-84)
 - ii. Certain size or length of logs. (10-18-84)
 - iii. Certain locations or areas. (10-18-84)
 - iv. Certain specialty products. (10-18-84)
 - v. Each such case will be considered and handled separately as directed by the Board. (10-18-84)
- 02. Procedure. The applicant for a restricted certificate will: (10-18-84)
 - a. Submit the standard application form. (10-18-84)
 - b. Remit the required twenty-five dollar (\$25) fee. (7-1-93)
 - c. Submit a letter from employer describing scaling that would justify the issuance of a restricted certificate. (10-18-84)
 - d. Successfully complete the examination as may be devised by the Board. (10-18-84)
- 03. Regulations. All provisions of the code and rules adopted by the Board pertaining to administration of the regular certificate will apply to the restricted certificate. (10-18-84)

301. -- 399. (RESERVED).

400. STANDARD SCALER'S LICENSE.

- 01. General. The applicant for a standard scaler's license will: (10-18-84)
 - a. Submit the standard form. (10-18-84)
 - b. Remit the required twenty-five dollar (\$25) fee. (7-1-93)
 - c. Take and pass the examination as described in Section 500 of these procedures. (10-18-84)
- 02. Renewal. (7-1-93)
 - a. Certificates of registration shall expire two (2) years from the last day of June following their issuance or renewal and shall become invalid on that date unless renewed. An examination shall be taken before the renewal which may be effected at any time during the month of June by the payment of a renewal fee to be fixed by the Board at twenty-five dollars (\$25). (7-1-93)
 - b. For scalers who hold "Standard" licenses the examination for renewal will consist of the following: (10-18-84)
 - i. To renew a license before the expiration date and within two (2) years after the expiration date a scaler must have received an acceptable check scale performed by an Idaho scaling board check scaler. Refer to Subsection 600.03 concerning requested re-licensure check scales. If a scaler fails one (1) check scale within the two (2) year period following the expiration of a scaler's license, the scaler must take and pass the written and practical examination to renew the scaler's license. (10-18-84)

- ii. A practical examination successfully completed may be used in lieu of a check scale for renewal. (10-18-84)
- iii. A scaler who has failed to renew within the two (2) years following his license expiration date will then be required to renew by taking and passing the written and practical examinations as stated under Rules 500.03 and 500.02 respectively. (10-18-84)
- c. For scalers who hold "Restricted" licenses the examination for renewal will require the re-licensee to:
 - i. Submit a letter from employer describing scaling that would justify the reissuance of the restricted certificate. (10-18-84)
 - ii. Successfully complete the examination as may be devised by the Board. (10-18-84)
 - iii. Failure to renew within the time period heretofore provided will result in a reinstatement fee of twenty-five dollars (\$25) and failure of renewal for a period of two (2) years will require the applicant to take the examination and pay the required examination fee. (10-18-84)
- 03. Revoke and Suspend. The Board shall have the power to revoke the certificate of registration or to suspend the certificate of registration for a period of time not exceeding two (2) years for any registrant who is found guilty of:
 - a. The practice of any fraud or deceit in obtaining a certificate of registration. (10-18-84)
 - b. Gross negligence such as failure to produce accurate records and failure to scale in accordance with procedures outlined in Title 38, Chapter 12, Idaho Code, and these approved rules. (10-18-84)
 - c. Incompetency. If after three (3) instances of check scaling in any twelve (12) month period a scaler's work in all three (3) occasions is found unacceptable based upon standards of check scaling established under Subsection 500.02 the scaler will be given a hearing in accordance with these rules. (10-18-84)
 - d. Habitual Intemperance. Continued and regular excessive use of alcoholic beverages or drugs which affect the licensee's ability to function as a scaler. (10-18-84)
 - e. Insanity. Board ruling. (10-18-84)
 - f. Conviction of a Felony. Felony convictions prior to issuing of the license will be ruled upon by the Board. Felony convictions after the license has been issued will call for automatic revocation of the license. (10-18-84)
 - g. Moral Turpitude. Board ruling. (10-18-84)
 - h. Misconduct. Misconduct in the practice of professional scaling as a registered professional scaler, such as:
 - i. Deliberately misrepresenting the species or volume of material being scaled. (10-18-84)
 - ii. Knowingly accepting the scale or measurements of an unregistered scaler to be used as a basis of payment. (10-18-84)
 - iii. Altering scale records to benefit either the purchaser or seller of products being scaled. (10-18-84)
 - iv. Attempting to alter the appearance of the product so as to conceal the true net volume of said product. (10-18-84)
 - v. Any other practice which would seriously cast doubt on the honesty and integrity of the scaling

profession. (10-18-84)

04. License Hearing. (10-18-84)

a. Any person may prefer charges, based on any of the above grounds, against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the Board. (10-18-84)

b. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board as soon as possible but not to exceed three (3) months after the date on which they shall have been preferred. (10-18-84)

c. The time and place for said hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses in his own defense. (10-18-84)

d. The rules of practice and procedure for said hearing will be as set forth in these rules. (10-18-84)

e. If, after such hearing, three (3) or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke or suspend, as herein provided, the certificate of registration of such registered professional scaler. (10-18-84)

05. Reissue or Reinstate. The Board, for reasons it may deem sufficient, may reissue or reinstate a certificate of registration to any person whose certificate has been revoked or suspended, provided three (3) or more members of the Board vote in favor of such reissuance or reinstatement. A new certificate of registration, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the Board, and upon payment of ten dollars (\$10) to cover the cost of investigation and such reissuance. (10-18-84)

401. -- 499. (RESERVED).

500. EXAMINATION.

01. General. The Board will conduct a minimum of four (4) practical examinations annually at such times and places as the Board shall determine. The written examination may be taken at any time the applicant appears at the Board's business office during the regular office hours. (10-18-84)

02. Practical Examination. (10-18-84)

a. To be taken by all persons applying for the scaler's license and restricted scaler's license. (10-18-84)

b. Will vary for the variation of restricted license. (10-18-84)

c. Each person appearing to take the practical examination must have a Scribner decimal C Coconino Scale Stick and should have a copy of the National Forest Log Scaling Handbook. (10-18-84)

d. The practical examination for a scaler's license will consist of scaling a minimum of not less than two hundred (200) logs with a net scale of not less than twenty thousand (20,000) board feet. (10-18-84)

e. The maximum number of logs will not exceed four hundred (400) logs. (10-18-84)

f. The logs will be spread out in suitable fashion to permit orderly scaling. The logs will first be scaled by two (2) or more qualified check scalers and the average of their results will be the basis for grading the examination. (10-18-84)

g. To obtain a passing grade a scaler must meet standards of check scaling as established by Region 1 of the Forest Service. The species identification error shall not exceed three percent (3%).

(National Forest Log Scaling Handbook
 (FSH 2409.11, January 1981, Region 1, Supplement 14)
)

Check Scaling Standards for Sawlogs are:	
Check Scale Percent of Defect on Logs Checked	Standard
Up to 10	+ 2.0 percent
10.1 to 15	+ 3.0 percent
15.1 to 20	+ 0.2 percent for each percent of defect
Over 20	+ 5.0 percent

(10-18-84)

03. Written Examination. (10-18-84)
- a. Must be taken by any person applying for a temporary permit. (10-18-84)
 - b. Must be taken by any person applying for a standard scaling license or restricted license. (10-18-84)
 - c. Must be taken by any person who is applying to be re-examined and is required to submit new application. (10-18-84)
 - d. Must be taken by any person applying for an apprenticeship certificate. (10-18-84)
 - e. Will be based upon chapters 10, 20, and 30 of the National Forest Log Scaling Handbook. (10-18-84)
 - f. Will be compiled and changed as necessary at the direction of the Board, but will be based essentially upon the National Forest Log Scaling Handbook and upon established regulations of the Board. (10-18-84)
 - g. Any score of seventy percent (70%) or better is a passing grade as to the written examination. (10-18-84)
 - h. Where required the written test must be taken and passed before the practical examination can be attempted. (10-18-84)
04. Fees. The following fees will accompany the application and no applicant will be tested until the required fees have been paid. The fees must be paid each time the person is tested, whether an application form is required or not..

Temporary Scaling Permit	\$25
Restricted Scaling License	\$25
Standard Scaling License	\$25

(10-18-84)

05. Re-examination. (10-18-84)

a. A candidate or re-licensee failing his first examination may apply for re-examination at any regular examination time without filing a new application and upon payment of twenty-five dollars (\$25). (10-18-84)

b. A candidate or re-licensee failing the re-examination must complete a new application, pass the written examination and pay the twenty-five dollar (\$25) fee. Such new application shall not be filed prior to thirty (30) days following the date of the last examination taken by the applicant or re-licensee. (7-1-93)

501. -- 599. (RESERVED).

600. CHECK SCALING.

01. Check Scalers. The chairman of the Board shall, with approval of the Board, appoint such qualified licensed scalers as check scalers as may be needed to perform check scaling within the state. (10-18-84)

02. Bonding. All check scalers appointed by the Board shall obtain and execute a bond to the Board for the benefit of those businesses and/or persons using the services of the check scaler covering the performance of his check scaling duties, which bond shall be in the sum of one thousand dollars (\$1,000.00), executed by a qualified surety, duly authorized to do business in this state, upon the condition that said applicant, if said bond be issued to him, shall conduct his check scaling duties without fraud or fraudulent misrepresentation and will faithfully perform his duties as check scaler for those persons using his services; said bond to be reissued annually on or before the 1st day of July each year, and said bond shall be regarded as a proper and necessary expense of the Board and shall be paid out of the state scaling account. (10-18-84)

03. Procedures. (10-18-84)

a. Check scaling may be performed by the Board in order to check licensed scaler's proficiency or for purposes of re-licensing. This check will consist of a minimum of fifty (50) logs containing a gross and/or net scale of at least ten thousand (10,000) board feet scaled under similar conditions as original scale was made. If after three instances of check scaling in any twelve (12) month period a scaler's work in all three (3) occasions is found unacceptable based upon standards of check scaling established under Subsection 500.02 the scaler will be given a hearing in accordance with these rules. (10-18-84)

b. A check scale for purposes of re-licensing shall be performed upon written request and under the time limitations prescribed and at a time and place established by the Executive Director of the Board of Scaling Practices: (10-18-84)

i. For any licensed scaler who has not received a check scale the Board must receive written request for such check scale on or before January 1st of the year in which the scaler's license expires. (10-18-84)

ii. For any scaler whose license has expired the Board must receive written request for such check scale on or before January 1st of the second year following the last licensure expiration. (10-18-84)

iii. Check scaling may be performed upon request of any individual, company or corporation who desires such service. The minimum number of logs, volume or scaling conditions will vary with each request. The check scaler will investigate the situation and determine the most logical method of check scaling. His report will include a detailed section on conditions and procedures as well as on volume comparisons. (10-18-84)

04. Cost. The cost of all check scales other than in the regular course of the check scaler's duties shall be paid by the person requesting the same or by the party in error where the check scaler finds and determines scaling error outside the allowable limits set by the Board. All check scaling costs shall be determined by using the costs of check scaling at the time of request as determined by the Board. (10-18-84)

05. Report. The check scaler shall make a report of his findings to the Board within a reasonable time after each check scale and said report shall be accepted as prima facie evidence of the facts stated in such report. (10-18-84)

601. -- 646. (RESERVED).

647. VIOLATIONS.

01. **Scaling Without a License.** Any person who shall practice, or offer to practice log scaling in this state without being licensed, having a temporary permit or being an apprentice, in accordance with the provisions of Title 38, Chapter 12, Idaho Code, or any person who shall attempt to use an expired or revoked certificate of registration or practice at any time during a period the Board has suspended or revoked his certificate of registration, or any person who shall violate any of the provisions of Title 38, Chapter 12, Idaho Code, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (10-18-84)

02. **Attorney General Legal Advisor.** The Attorney General of this state or any assistant designated by him shall act as legal advisor of the Board; and all violations of the provisions of Title 38, Chapter 12, Idaho Code shall be prosecuted by the prosecuting attorney of the county or counties in which the violations may be committed. (10-18-84)

03. **Notice of Violation.** Failure to comply with the established Log Scaling Law of Idaho, and/or rules adopted by the board may result in the issuance of a "Notice of Violation". (7-1-93)

04. **Notice of Compliance.** Within 10 (ten) days after receipt of the Notice of Violation the recipient shall notify the State Board of Scaling Practices of their compliance with the Log Scaling Law of Idaho, and/or rules adopted by the board. (10-18-84)

05. **Copies.** One (1) copy of the Notice of Violation shall be forwarded to all board members and legal counsel for review. The recipient of the Notice of Violation shall be notified of the date and time to appear before the board if appearance is required. (10-18-84)

06. **Penalties.** Any recipient may be subject to penalties as outlined in Chapter 12, Title 38, Sections 1220A and 1221(b) of the Log Scaling Law of Idaho. (7-1-93)

648. -- 699. (RESERVED).

700. RECORDING MEASUREMENTS ON SCALE TICKETS.

All scalers, as defined in Sections 38-1201 and 38-1202, Idaho Code, shall record on the scale ticket a combination of scale data for each log scaled from which both gross and net scale measurements may be derived. Scale tickets are any written record of scale measurements. All scale tickets shall show the gross scale volume as determined in accordance with IDAPA 06.02.04. (10-5-94)

701. -- 999. (RESERVED).