

DISPOSITION OF NEWLY INSTALLED OR REPAIRED DEVICES

Several times a year we get calls regarding what powers and duties a Pennsylvania registered device seller, installer or repairer has regarding newly installed or repaired devices. Let's take a look at Act # 155, Section 4126 and PA Title 70, Chapter 6.6.

Newly installed devices (new or used) and repaired devices must be reported to the Department within 48 hours. The initial report may be by phone, but must be followed up with written notification within 48 hours. That written notification may be by letter or fax.

PA Title 70, Section 6.6, subsection (a) clearly states that this newly installed or repaired device "may not be used in commerce unless it has been inspected and sealed in accordance with the act". There is however, one exception to this rule. If the duly registered device seller, installer or repairer has fulfilled the responsibilities of written notification, then the newly installed or repaired device may be used for up to 15 days without an inspection or approval decal. Again, quoting 6.6 (d), "if for any reason, the inspection referenced in subsection (c) is not accomplished during this 15 day period of conditional short term use, the device will be removed from commercial use until the inspection is completed and the Department notified of the completed inspection.

Another area of regular contention is the disposition of incorrect devices. In other words, what do the laws and regulations have to say about rejected devices. Here we look to Act #155, Section 4126 and the law is quite clear.

- (a) Rejected apparatus remain under the authority of the rejecting official.
- (b) Corrections shall be made by the owner of the rejected device within 30 days or such longer period as authorized by the rejecting authority.
- (c) Rejected devices shall not be used again commercially until they have been officially re-examined and found to be correct or until specific written permission for use is issued by the rejecting authority.

The problems arise when inspectors and sealers, with good intentions, try to be the nice guy and allow incorrect devices to remain in service. The problem is further complicated when device sellers, installers and repairers misinterpret or ignore the law and assume far more liberties than they are entitled to.

To recap; if you sell or install a new or used device, you must report it within 48 hours.

A rejected device may not be used in commerce unless specifically authorized by the rejecting official.

If you repair or replace a rejected device, you must report it within 48 hours.

Acceptance tolerances apply to all newly installed or repaired devices. (See Handbook-44 General Code, G-T.1. and G-T.2.

Approval decals may be applied only by state, county or city officials.