

Division of Measurement Standards  
8500 Fruitridge Road  
Sacramento, CA 95826

DMS NOTICE  
G - 01 - 4

June 12, 2001

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

**Subject: Civil Administrative Penalty Guidelines**

The Division was recently asked to clarify how to charge violations of the Business and Professions Code (BPC) not contained in Table A of the Code of Regulations (CCR) and what penalty level to assess. Specifically mentioned were air and water violations and disabled driver signage violations.

As you are aware, the penalty guidelines found in CCR Section 4802(a)(3) – “Minor” violation states in part:

“Included in this category are other violations included in the Business and Professions Code, Division 5 that are not included in Table A. The appropriate penalty range for these violations is \$50 to \$250...”

It is our opinion that it is appropriate to use the “Minor” category for a Notice of Proposed Action to handle violations that are not specifically identified in Table A. The penalty range of \$50 to \$250 is also appropriate for those types of violations, such as air and water or disabled drivers signage, as well.

Sincerely,

Mike Cleary  
Director  
(916) 229-3000

cc: Ed Williams