

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DIVISION
OF MEASUREMENT STANDARDS**

**FIELD REFERENCE MANUAL
2015**

**California Code of Regulation
Title 4, Division 9**

**Chapter 9
Weighmaster Enforcement**

**Article 1. General Provisions through
Article 11. Multiple Draft Weighing Operations
Sections 4400. through 4495.6.**



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Chapter 9. Weighmaster Enforcement

Article 1. General Provisions

4400. Definition. - Repealed 4-25-86.

4401. Licenses. - A copy of the current weighmaster license shall be maintained at each weighing or measuring location and made available to a Sealer upon request.

NOTE: Authority cited: Sections 12027 and 12735, Business and Professions Code. Reference: Sections 12703 and 12704, Business and Professions Code.

4402. Requirement for Zero-Load Balance Condition. - The weighing system shall provide a means to indicate that the system is in a zero-load balance condition prior to each weighing. This indication must be verified by the deputy weighmaster prior to the vehicle entering onto the load-receiving element.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12107 and 12500, Business and Professions Code.
Added 2014.

4403. Legally Relevant Data. - Information necessary to complete a weighmaster certificate and that is used as a basis of payment for the transaction. Information includes, but is not limited to the final results of the weighing, gross weight, net weight, tare, stored tare, worksheets, other weighmaster certificates, photographs, analysis of materials, and any other records that are used to determine the basis of payment.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12715 and 12716, Business and Professions Code.
Added 2014.

Article 2. Weighmaster Certificates

4410. Recording Procedures. - In addition to the provisions of the Business and Professions Code, information shall be recorded on weighmaster certificates as follows:

- (a) Certificates issued for gross weight only shall have the words "gross only" entered on the certificate in the space provided for recording the tare weight.
- (b) Certificates issued for tare weight only shall have the words "tare only" entered on the certificate in the space provided for recording the gross weight.
- (c) Certificates issued for net quantity only that contain gross and tare spaces shall have the words "Net Only" entered on the certificate in the spaces provided for recording the gross and tare weights.

NOTE: Authority cited: Sections 12027 and 12735, Business and Professions Code. Reference: Sections 12713 and 12715, Business and Professions Code.

4411 - 4415. - Repealed 4-25-86.

Article 3. Predetermined Individual Tare Weights

4420. Predetermined Individual Tare Weight. - A pre-determined individual tare weight is the weight of a vehicle, container or pallet determined by a weighmaster prior to the time of delivery of a product and is established and used in accordance with the following provisions.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4421. Establishing. - Predetermined individual tare weights shall be established as follows:

- (a) A weighmaster shall weigh the vehicle, container or pallet and issue a “tare only” certificate.
- (b) Each vehicle for which a predetermined individual tare weight has been established shall be clearly marked on both sides with the company name or code, license number and predetermined tare weight. The tare weight shall be permanently marked either on the vehicle or on a placard secured thereto. The tare weight shall be identified in numbers and letters not less than three (3) inches (7.62 cm) in height. In the case of gondola units, the required identification shall be applied to both sides of the container portion.
- (c) Each container or pallet for which a predetermined individual tare weight has been established shall be clearly marked on both sides with the company name or code, company identification number and predetermined tare weight. The tare weight shall be identified in letters and numbers not less than three (3) inches (7.62 cm) in height.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4422. Certificate Requirements. - A predetermined individual vehicle, container or pallet tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the following information appears on the certificate:

- (a) the fact that a predetermined individual tare weight is being used. This may be designated by the letters “P.T.”; and
- (b) the predetermined tare weight, company name or code, and license number or serial number of each vehicle, container and/or pallet.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12715, 12722 and 12723, Business and Professions Code.

4423. Conditions of Use. - The following conditions apply to the use of predetermined individual tare weights:

- (a) predetermined individual tare weights may be used by a weighmaster unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a predetermined individual tare weight shall not be used; and
- (b) a weighmaster shall not use a predetermined individual tare weight which is not based on weighmaster records in his/her possession unless furnished with a copy of the “tare only” certificate which established the predetermined individual tare weight; and
- (c) a weighmaster shall not use a predetermined individual tare weight if for any reason it appears that the tare weight may be beyond the tolerance levels prescribed by Section 4450 of this Subchapter.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Article 4. Seasonal Tare Weights

4430. Seasonal Tare Weight. - A seasonal tare weight is the tare weight of a fuel consuming vehicle used to transport bulk loads of tomatoes and is established and used in accordance with the following provisions. Seasonal tare weights are determined by weighmasters and are officially established with the issuance of a cab card.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722, 12723 and 12729, Business and Professions Code.

4431. Establishing. - Seasonal tare weights shall be established as follows:

- (a) A weighmaster shall weigh each unladen vehicle after the driver has confirmed that the vehicle has full fuel tanks. (An unladen vehicle is a vehicle without commodity or persons.)

(b) The weighmaster shall:

- (1) Complete and issue a “tare only” weighmaster certificate.
- (2) Complete and issue an original cab card which officially establishes the seasonal tare weight. The cab card shall be furnished by the Division of Measurement Standards. The seasonal tare weight stated on the cab card shall be 250 pounds less than the weight shown on the “tare only” weighmaster certificate.
- (3) Enter the required information on a daily seasonal truck tare recap sheet, furnished by the Division of Measurement Standards. This recap sheet will be mailed to the Division within two business days.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722, 12723 and 12729, Business and Professions Code.

4432. Certificate Requirement. - A seasonal tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the number of the cab card appears on the certificate.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12715, 12722, 12723 and 12729, Business and Professions Code.

4433. Conditions of Use. - The following conditions apply to the use of cab cards:

- (a) a cab card shall be valid for a single tomato harvest season only; and
- (b) the cab card shall be carried at all times in the vehicle for which the seasonal tare weight has been established; and
- (c) the cab card shall be presented to the weighmaster when using the seasonal tare weight to certify the net weight of a load; and
- (d) the cab card shall not be used if the actual vehicle tare weight varies by more than 300 pounds from the tare weight stated on the cab card; and
- (e) a cab card on which the weight figures have been changed or altered in any manner shall not be used; and
- (f) a new cab card shall be obtained when the weight or vehicle identification information on the cab card changes; and
- (g) the cab card may be used by a weighmaster to determine the net weight of a load unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a seasonal tare weight (cab card) shall not be used.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722, 12723 and 12729, Business and Professions Code.

Article 5. Common Tare Weights

4440. Common Tare Weight. - A common tare weight is the average weight of a group (lot) of containers or pallets, determined by a weighmaster prior to the time of delivery of the product.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4441. Establishing. - Common tare weights shall be established as follows:

- (a) The container or pallets within the group (lot) shall each weigh 1,000 lbs. or less, shall be under the control of one user and shall be within a uniform weight range. “Uniform weight range” is defined to mean within a variation (plus or minus) of 0.2 pounds or 20%, whichever is greater.

- (b) The weighmaster shall weigh a randomly selected sample of containers or pallets, either individually or in sample sub-groups, as prescribed in Section 4442 of this Article. The common tare weight for each container or pallet shall be determined by mathematically dividing the total weight of the random sample by the number of containers or pallets in the sample. At the time the random sample is weighed, all containers and pallets shall be free from foreign matter and in usable condition.
- (c) The common tare weight determined from the sample shall be rounded as prescribed in Section 4443 of this Article.
- (d) The weighmaster establishing the common tare weight shall issue a weighmaster certificate and complete a “Common Tare Notice” containing information prescribed by the Director. The originals of the weighmaster certificate and the Common Tare Notice shall be mailed to the Division of Measurement Standards within five (5) days. A copy of the Common Tare Notice shall also be maintained at each weighing location where the common tare weight will be used for certification purposes.
- (e) The common tare weight established by the weighmaster shall only apply to the containers or pallets in the lot from which the random sample was selected.

Note: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4442. Sample Size. - When determining or verifying common tare weights, the following sample size shall be used:

- (a) For all pallets and any container used individually, the minimum size of the random sample shall be 96 or 100% of the lot, whichever is less.
- (b) For all palletized containers, the minimum size of the random sample shall be determined from the following table:

Number of Containers Per Pallet	Minimum Number of Pallets (with containers) in Random Sample
Less than 10	96 or 100%, whichever is less
10 to 19	37 or 100%, whichever is less
20 to 49	22 or 100%, whichever is less
50 or more	11 or 100%, whichever is less

Note: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4443. Rounding Procedures. - Common and average tare weights shall be rounded (digits of 5 or greater are rounded up) as follows:

- (a) If the container tare weight is less than 30 pounds, the weight shall be rounded to the nearest one-tenth (0.1) pounds.
- (b) If the container tare weight is at least 30 pounds or more, the weight shall be rounded to the nearest one (1) pound.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4444. Certificate Requirements. - A common tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the following information appears on the weighmaster certificate:

- (a) the fact that a common tare weight is being used. This may be designated by the letters “C.T.”; and
- (b) the common tare weight, description of the container, and a name of the person or firm for whom the common tare weight has been established. A code designation may be used in lieu of the description of the container, provided this code also appears on the Common Tare Notice.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12715, 12722 and 12723, Business and Professions Code.

4445. Conditions of Use. - The following conditions apply to the use of common tare weights:

- (a) common tare weights may only be used by a weighmaster licensed at a location at which a copy of the Common Tare Notice is maintained; and
- (b) common tare weights may be used by a weighmaster unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to issuance of the certificate that a common tare weight shall not be used; and
- (c) the weighmaster certifying to a common tare weight shall verify that the total number of containers includes not more than 10% of other users' containers and that all containers are within uniform weight range (as defined by Section 4441(a) of this Article); and
- (d) a weighmaster shall not use a common tare weight if for any reason it appears that the common tare weight may not meet the tolerance levels prescribed by Section 4450.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4446. Verification and Enforcement. - The Director may verify the accuracy of an established common tare weight by weighing a representative sample of containers, as prescribed by Section 4441 of this Article, and by rounding as prescribed by Section 4443, also of this Article. If a common tare weight is found to be beyond the tolerance levels established by Section 4450 of this subchapter, the Director shall issue an order that the common tare weight not be used until re-established by a weighmaster.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Article 6. Limits of Permissible Error

4450. Tolerance Levels. - Except as provided in Section 12722(b) of Chapter 7, Division 5, of the Business and Professions Code, vehicles and containers for which pre-determined individual tare weights and common tare weights have been established shall be maintained as close as practicable to the established tare weight, but in no event shall such tare weights exceed the tolerance level of two-tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Article 7. Average Tare Weights

4460. Average Tare Weight. - An average tare weight is the average weight of a group (lot) of containers within uniform weight range (as defined by Section 4441(a) of this subchapter) and established by a weighmaster. Average tare weights are determined for each load at the time of certification and are not used for subsequent loads.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4461. Establishing.

- (a) Average tare weights for containers of uniform weight range, under the control of one user, and used to transport any commodity, may either be established according to the procedures prescribed in Sections 4440-4445 (Common Tare Weights) of this Subchapter, or according to subsection (b) below.

If, however, the containers are of such construction or treatment as to vary in weight as a result of hydrocooling, the average tare weight must be established according to subsection (b) below.

- (b) A weighmaster shall randomly select two (2) containers for the first fifty (50) containers in the lot, and one (1) additional container for each fifty (50) additional containers in the lot. However, at no time shall the random sample size be less than three (3) containers.

The average tare weight shall be determined by mathematically dividing the total weight of the random sample by the number of containers in the sample.

The average tare weight determined from the sample shall be rounded as prescribed in Section 4443 of this Subchapter. The weighmaster certificate issued for containers shall show the total number of containers, the number of sample containers, and the average tare weight.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Article 8. Volumetric Conversion to Weight of Squid

4470. Container Requirements. - The following conditions apply to containers used in volumetric conversion:

- (a) containers used for removing squid from fishing boats shall be constructed of nonabsorbent material and of such construction that they retain their shape when filled; and
- (b) only full containers removed from the boat shall be subject to volumetric conversion; squid removed in partially filled containers shall be weighed.

NOTE: Authority cited: Sections 12027, 12734 and 12735, Business and Professions Code. Reference: Section 12734, Business and Professions Code.

4471. Container Markings. - Each container shall be permanently marked on two sides, in numbers and letters at least three (3) inches (7.62 cm) in height, with the following information:

- (a) the company name or code;
- (b) the volume in cubic feet to the nearest 1/100 cubic foot; and
- (c) the tare weight of the container.

NOTE: Authority cited: Sections 12027, 12734 and 12735, Business and Professions Code. Reference: Section 12734, Business and Professions Code.

4472. Certificate Requirements. - A weighmaster certificate which determines the weight of squid by volumetric conversion shall contain the following information:

- (a) number of full containers removed;
- (b) volume of each container (Volume = Height x Width x Length);
- (c) weight of squid per cubic foot, as established by the Director;
- (d) net weight determined by volumetric conversion (Total Weight = Number of Containers x Volume of Containers x Weight Per Cubic Foot);
- (e) number of partially filled containers;
- (f) net weight of squid in partially filled containers; and
- (g) total weight of squid received.

The above information may be shown in equation form:

EXAMPLE

$$\begin{array}{rcl} \text{Number of full containers} & & \\ \quad \times & & \text{Net weight} \\ \text{Volume of each container} & = & \text{determined by volumetric} \\ \quad \times & & \text{conversion} \\ \text{Weight per Cubic foot} & & \\ & + & \\ \text{Number of partially filled} & & \text{Net weight of} \\ \text{containers (actually} & & \text{squid in partially} \\ \text{weighed)} & & \text{filled containers} \\ & = & \text{TOTAL WEIGHT OF} \\ & & \text{SQUID RECEIVED} \end{array}$$

NOTE: Authority cited: Sections 12027, 12734 and 12735, Business and Professions Code. Reference: Sections 12713(b) and 12734, Business and Professions Code.

Article 9. Director’s Approval of Inspection of Weighmaster Records

4480. Application. - These regulations shall apply to requests made to the Department of Food and Agriculture by a district attorney or district attorney’s designated agent for inspection of weighmaster weight certificates or related documents pursuant to Vehicle Code Section 35557(a).

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4481. Definition of Designated Agent. - As used in these regulations, a designated agent of the district attorney is an individual within the district attorney's office and designated by the district attorney and authorized to make requests for inspection of weighmaster weight certificates or other related documents. Such designation shall be made in writing to the Director of the Department of Food and Agriculture by the district attorney.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4482. Information Required by the Director. - Any district attorney or designated agent of the district attorney who shall request inspection of any weighmaster weight certificates or related documents through the Department of Food and Agriculture shall certify that:

- (a) He/she is the district attorney or district attorney’s designated agent.
- (b) He/she possesses a citation or copy of a citation issued for gross vehicle overweight, which has been referred by an Area Commander of the California Highway Patrol along with their reasons for believing that there may be an act of unlawful business practice, and requests the right to review records pertaining to trucks operated by the named company in the possession of specified weighmasters.
- (c) He/she has served a copy of the request on an official of the named company, or is declining to do so for reasons specifically stated.
- (d) He/she will reveal and discuss the findings from the review of these records with the named company prior to initiating any civil action against the company which is based in whole or in part on these records.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4483. Approval of Request. - If the Director of the Department of Food and Agriculture finds that the above conditions have been met, he/she shall issue a letter to the district attorney authorizing the district attorney or employees of the district attorney to inspect the records of those weighmasters to determine the number and extent of violations of Division 15, Chapter 5, Article 1 of the California Vehicle Code that may exist, related to the named company, covering a period of 30 days prior to and 30 days subsequent to the issuance of the identified citation.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4484. Denial of Request. - If the Director of the Department of Food and Agriculture finds that any of the above conditions have not been met, he/she shall issue a letter to the district attorney informing the district attorney that a letter authorizing inspection of weighmaster weight certificates or related documents has been denied, as well as the specific finding or findings upon which the denial was based.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4485. Applicability-District Attorney. - Nothing in these regulations shall be deemed to apply to any request by any district attorney or district attorney employee to obtain weighmaster weight certificates or related documents for purposes other than prosecuting a civil or criminal violation arising out of Division 15, Chapter 5, Article 1 of the California Vehicle Code.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

4486. Applicability--Other Law Enforcement Agencies. -Nothing in these regulations shall be deemed to apply to or limit the rights of any law enforcement agency other than any district attorney's office to obtain such weighmaster weight certificates or related documents for any law enforcement purpose other than prosecuting a civil or criminal violation arising out of Division 15, Chapter 5, Article 1 of the California Vehicle Code.

NOTE: Authority cited: Section 12027, Business and Professions Code; and Section 35557, Vehicle Code. Reference: Section 35557, Vehicle Code.

Article 10. Timber Tare Weights

4490. Definitions. - The following definitions apply to timber tare weights:

- (a) A timber tare weight is the unladen weight of a vehicle or combination of vehicles, used to transport loads of logs, where an automated weight scaling program is used to determine the board foot volume of the load.
- (b) Sample scale frequency is the number of loads of logs to be measured by a log scaler at a frequency agreed to by the buyer and seller, e.g., 1 in 4 loads must be measured by a log scaler.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722, 12723 and 12729, Business and Professions Code.

4491. Establishing. - Timber tare weights shall be established in accordance with the following provisions:

- (a) A timber tare weight shall be established, by a weighmaster, as the mathematical average of the actual tare weights of a vehicle for the first five consecutive loads hauled into the mill.
- (b) After establishment, a timber tare weight for any vehicle shall be calculated from the mathematical average of the five most current actual tare weights. The frequency for updating the timber tare weight, after its establishment, shall be the same as the sample scale frequency and in no case less frequent than one in ten.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

4492. Certificate Requirements. - A timber tare weight may be used by a weighmaster to determine the net weight of timber: provided, disclosure that a timber tare weight is being used appears on the certificate immediately adjacent to the tare weight entry. This shall be designated by the letters "T.T." and is in addition to any information required by California Business and Professions Code, Division 5, Chapter 7.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12715, 12722 and 12723, Business and Professions Code.

4493. Conditions of Use. - The following conditions apply to the use of timber tare weights:

- (a) Timber tare weights shall be limited to sales where agreed to by all parties having a legal or financial interest.
- (b) A weighmaster shall not use a timber tare weight which is not based on weighmaster records in their possession.
- (c) Whenever the timber tare weight has not been updated for more than one hundred and twenty (120) days, a new timber tare weight shall be established for that vehicle.
- (d) A current actual tare weight that differs from the timber tare weight for that vehicle by more than plus or minus two percent (+ 2%) must automatically cause the establishment of a new timber tare weight for that vehicle.
- (e) When any vehicle fails to obtain a current tare weight when required by the program to update the timber tare weight, the existing timber tare weight shall be used for that load and the system must automatically cause the establishment of a new timber tare weight for that vehicle.
- (f) Vehicles with cribs or inserts for short logs, mule trains, and self loaders shall not use a timber tare weight unless the cribs, inserts, or self-loading apparatus are permanently installed.
- (g) Timber tare weight information must be kept as part of the weighmaster records for a period of four (4) years. These records are to include, but are not limited to, tare weight records supporting timber tare weight updates, tare frequency and sample scaling frequency.

NOTE: Authority cited: Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12716, 12722 and 12723, Business and Professions Code.

Article 11. Multiple Draft Weighing Operations

4495. Application.

- (a) These regulations shall apply to written requests made to the Department for authorization to use multiple draft static weighing operations.
- (b) Also see General and Scales Code requirements, California Code of Regulations, Title 4, Division 9, Chapter 1.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.1. Definitions. - As used in this article:

- (a) A multiple draft static weighing operation of a combination of vehicles is a weighing procedure whereby individual weights of connected vehicles in the combination are determined without the entire combination of vehicles resting on the scale platform simultaneously and without disconnecting the vehicles. Multiple draft static weighing operations and multiple draft weighing operations have the same meaning for the purpose of this article.
- (b) A single draft static weighing operation is a weighing procedure whereby the entire vehicle or combination of vehicles is resting on the scale platform simultaneously.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.2. Request for Authorization. - A written request for authorization is limited to those operations where the applicant has complete control of all the vehicles and weighing device(s). The written request shall be submitted to the Department and shall contain the following information:

- (a) The procedures that will be used in the multiple draft weighing operation. This shall include the specific weighing location, the weighing device(s) to be used, and the position of vehicles relative to the load-receiving element of the scale.
- (b) The make, model and a unique identification designation for each individual vehicle.
- (c) The test data supporting accuracy of the proposed multiple draft weighing operation.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.3. Conditions of Use.

- (a) The pulled vehicle shall not be equipped with a braking system.
- (b) The pulled vehicle shall have a minimum of two axles separated by such a distance that they completely support the load and also shall be equipped with a free-floating, non-rigidly mounted tongue.
- (c) A copy of the letter issued by the Department authorizing the multiple draft weighing operation shall be maintained at the weighing location and made available to a Sealer upon request.
- (d) All weights (gross and tare) shall be determined using the same authorized multiple draft weighing operation. "Gross Only" or "Tare Only" certificates are prohibited from being used when using a multiple draft weighing operation.
- (e) The use of predetermined individual tare or common tare weights for pulled vehicles are prohibited when using a multiple draft weighing operation.
- (f) A weighmaster shall not use a multiple draft weighing operation if for any reason it appears that the weights so determined may be beyond the tolerance level prescribed in Section 4495.5(f).
- (g) Multiple draft weighing operations may not be used by a weighmaster if a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a multiple draft weighing operation shall not be used.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.4. Certificate Requirements. - When a multiple draft weighing operation is used by a weighmaster to determine the net weight of a product, the following information shall appear on the certificate:

- (a) The fact that a multiple draft weighing operation is being used to determine the weights. This shall be designated by the words "Multiple Draft" immediately adjacent to both the gross and tare weights. As of January 1, 2000, the letters "M.D." may be substituted for the words "Multiple Draft".
- (b) The identification of any connected vehicle not resting on the scale platform during certification.

These requirements are in addition to any other information required by California Business and Professions Code, Division 5, Chapter 7.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.5. Establishment and Tolerance. - Data shall be compiled showing that the method used in the multiple draft weighing operation for the specific location, vehicles, and connected combinations does not introduce or result in errors not in conformance with the requirements of this article when compared to a single draft weighing operation. All testing by the Department shall be consistent with verifying the accuracy of this method. If for any reason the verification testing fails or cannot be performed safely, testing will be terminated until the deficiencies are corrected and the written request for authorization is re-submitted to the Department.

The following procedures shall be used by weights and measures officials for authorizing multiple draft weighing procedures:

- (a) The applicant shall provide accessibility to all identified equipment and they shall also provide assistance from trained facility representative(s) during the verification procedures.
- (b) All single draft weighings will be performed with the vehicle(s) positioned in approximately the same location on the load-receiving element of the weighing device.
- (c) Vehicles shall be tested as used in the normal course of business.
- (d) Multiple draft weighings shall be performed in accordance with the applicant's written procedures.
- (e) A maximum of 30 single draft and 30 multiple draft net weighments shall be performed for each requested authorization.
- (f) At no time shall the net weights determined using a multiple draft weighing operation differ from those using a single draft weighing operation by more than twice the scale tolerance for that net load. A weighment that exceeds the established tolerance shall be sufficient grounds for the Department to deny authorization to use the multiple draft weighing procedure.

The Department shall issue a letter either authorizing use of the multiple draft weighing operation or rejecting the application within 30 days following the completion of verification procedures.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

4495.6. Verification and Enforcement.

- (a) When the gross weight or tare weight of a vehicle and connected combination is recorded on a weighmaster certificate, verification of that weight shall be made by reweighing the combination using the same multiple draft weighing operation authorized by the Department. At no time shall the reweigh weight differ from the recorded weight by more than twice the scale tolerance for that weighment.
- (b) If a multiple draft weighing operation is found to produce weights that are beyond the established tolerance, the Department shall issue an order stating that the multiple draft weighing operation shall not be used until it is reestablished and reauthorized by the Department.
- (c) Only the approved procedure shall be used when using a multiple draft weighing operation.

NOTE: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Section 12728(d)(2), Business and Professions Code.

Article 12. Unattended Weighing Systems

4496. Application.

- (a) This Article shall apply to unattended systems for weighing any vehicle moving construction materials, including, but not limited to, earth, stone, rock, sand, gravel, limestone, ready mixed concrete, cementitious materials, recycled construction materials, or asphalt paving materials to issue a weighmaster certificate to buyers who opt to utilize the unattended system.
- (b) In addition to the requirements of this Chapter, unattended weighing systems shall meet the requirements of Chapter 1, sections 4000, 4001, and 4002 for applicable selection, installation, use, and maintenance requirements.
- (c) This Article does not apply to:
 - (1) Weighing systems where a human weighmaster or deputy weighmaster actions are required to accept and complete the weighing transaction, and
 - (2) Determining the weight of palletized rock, decorative rock, pavers, landscaping materials and products not being used for construction purposes.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12500, 12500.5 and 12737, Business and Professions Code.

4496.1. Definitions. - As Used in this Article:

- (a) “Unattended weighing system” Means an automated system not directly under the supervision of a weighmaster that meets the approval, testing, and sealing requirements of Sections 12717 and 12500.5, Business and Professions Code and is intended to be operated by the vehicle driver.
- (b) “Deputy Weighmaster” means the person employed or designated by the principal weighmaster to act on their behalf. In the case of an unattended weighing system, the weighing system serves as the deputy weighmaster.
- (c) “Zero-load balance” means a representation of zero on the indicator when there is no load on the load-receiving element.

Note: Authority cited: Sections 12027, 12107, 12500.5 and 12735, Business and Professions Code. Reference: Sections 12500, 12500.5 and 12737, Business and Professions Code.

4496.2. Conditions of Use.

The following conditions apply to the use of an unattended weighing system:

- (a) Zero-balance condition. The unattended weighing system shall provide a means to indicate that the system is in a zero-load balance condition and ready for use. This indication shall be visible to the driver prior to the vehicle entering onto the load-receiving element. The unattended weighing system shall not complete a weighing operation if:
 - (1) The scale is not at a zero-load balance at the start of the weighment (no load on the scale).
 - (2) The indicating element is unable to automatically reset the zero-load balance when there is no load on the load-receiving element.
- (b) Position of vehicle. The unattended weighing system shall have sufficient gates, sensors or other automatic means to prohibit a weighment unless the entire vehicle rests on the load-receiving element. The unattended weighing system shall not record a weighment when it determines that the vehicle is not correctly positioned on the scale.
- (c) Indication and recording elements. The unattended weighing system shall be equipped with an onsite recording element, and either: 1) an audio and visual, or 2) a visual indicating element that communicates the status of the weighing process to the operator (driver) of the vehicle. The recording element shall print the weighmaster certificate at the end of the weighment. For systems equipped with the capability to issue an electronic receipt, the customer may be given the option to receive the weighmaster certificate electronically, e.g., via cell phone, computer, etc.

- (d) Records security. The unattended weighing system shall be designed with a means to secure, maintain, and provide true copies of weighmaster certificates in either hard copy or electronic formats. All legally relevant data shall be stored and adequately protected against accidental or intentional changes.
- (e) Access for testing and inspection of records. The unattended weighing system shall be designed with a means to access all records, and with the capability to print records for the purpose of inspection. Contact information for the principal weighmaster shall be posted at the location to facilitate compliance with this requirement.
- (f) Tare capability. The unattended weighing system shall be designed with one or more of the following tare mechanisms:
 - (1) Semi-automatic tare mechanism (load balanced automatically following a single operation initiated by the operator (driver));
 - (2) Pre-set tare; tare that is stored in the system memory for recall at a later time and used for multiple weighments and is valid unless the actual tare of the vehicle and/or trailer(s) has been altered. The weighmaster certificate shall note the fact that a “stored tare” or “recalled tare” weight is being used.
 - (3) Manual entry of tare by the driver into the system. The weighmaster certificate shall note the fact that “manual tare” weight is being used.
 - (4) Predetermined tares; if a predetermined tare is used, the system shall be capable of receiving all information required under Article 3. of this chapter and indicate on the certificate that a predetermined tare was used.
- (g) Prohibited operations. The unattended weighing system shall not complete a weighing operation under the following conditions:
 - (1) The unattended weighing system is designed to produce a printed ticket and one cannot be generated, e.g., if there is no paper in the printer.
 - (2) The system loses communication or power, no weighing will be allowed until the system is reset; i.e., either manually or by other means returned to its normal operating condition.
 - (3) The gross weight is above legal highway limits of 80,000 lb.
- (h) California Type Evaluation Program Certificate of Approval. California Type Evaluation Program (CTEP) or National Type Evaluation Program (NTEP) evaluated and approved components may be used as part of an unattended weighing system. The installation and use of unattended weighing systems or separable indicating elements and software controlling the metrological functions of the unattended weighing system shall be evaluated and approved by the CTEP.
- (i) Posting of weighmaster license. A copy of the current weighmaster license must be posted or continuously displayed and available at the location of the unattended weighing system. The system's unique identification number shall be listed on the license as the deputy weighmaster.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12500, 12500.5, 12716 and 12737, Business and Professions Code.

4496.3. Certificate and Records Requirements.

- (a) When an unattended weighing system is being used for weighments, the words “Unattended Weighing System” shall be included on the weighmaster certificate. The weighmaster certificate shall identify the principal weighmaster's name as it appears on the license and the unique system identification number in lieu of the deputy weighmaster's name as required in Business and Professions Code Section 12715 (c).

- (b) For the purposes of this regulation, records include synchronized photographs or video of the tractor, trailers, license plates, the commodity being weighed, and any others necessary to document the transaction. Failure to maintain legible video, photographs, etc., would be a violation of Business and Professions Code Section 12716.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12715, 12716 and 12737, Business and Professions Code.

4496.4. Specifications.

- (a) Tare. An unattended weighing system shall be designed to automatically clear from its memory any indicated tare value between transactions (i.e., printing the weighmaster certificate). This does not prohibit the use of stored tares assigned to vehicles or trailers that are on the scale for a new weighment.
- (b) Additional Markings: In addition to the applicable marking requirements in Chapter 1, Sections 4000, 4001, and 4002, an unattended weighing system shall be conspicuously and permanently marked or continuously displayed to the driver with the following information:
 - (1) For systems that operate in unattended mode only, a statement such as “For unattended vehicle weighing applications only” or similar.
 - (2) For systems that can operate in both attended and unattended modes, a statement such as “For unattended vehicle weighing applications only” shall be visible when in the unattended mode.
 - (3) Operator (driver) instructions and activated controls on the system or through the driver's use of electronic equipment communicating with the system shall be clearly and conspicuously identified.
 - (4) The contact information and business hours of the principle weighmaster for inspection and testing, or for reporting.
 - (5) California Type Evaluation Program (CTEP) Certificate of Approval number or a corresponding CTEP addendum number, using the terms “CTEP TA” or “CTEP Approval” followed by the word “number,” “No.” or “#”.
- (c) The required information shall be located so that it is readily observable without the necessity of disassembly of the system.

Note: Authority cited: Sections 12027, 12107 and 12735, Business and Professions Code. Reference: Sections 12500, 12500.5 and 12737, Business and Professions Code.

4496.5. License Fees When Updated to Include Unattended Weighing Systems. - Weighmasters that wish to change operations to include unattended weighing systems will be required to pay additional fees consistent with Business and Professions Code Section 12737.

- (a) License fees - Regardless of the number of months remaining for the license year and at the time the change is made, the Weighmaster shall pay to the Department an additional amount to complete the licensing fees to the amounts required for unattended weighing systems of:
 - (1) One hundred twenty-five dollars (\$125) if the weighmaster is operating at a fixed location.
 - (2) Forty-five dollars (\$45) for each additional fixed location the weighmaster is operating.
 - (3) One hundred dollars (\$100) if the weighmaster is operating at other than a fixed location.
 - (4) Thirty dollars (\$30) for each deputy weighmaster.
- (b) For subsequent years following the initial switch to an unattended weighing system, weighmasters will pay fees according to BPC 12737.
- (c) Weighmasters using a combination of unattended weighing systems and attended weighing systems shall pay to the Department the fees set forth in Business and Professions Code 12737.

Note: Authority cited: Sections 12027 and 12735, Business and Professions Code. Reference: Section 12737, Business and Professions Code.

4496.6. Additional Requirements.

- (a) There shall be visible to the sealer and/or to the operator (driver), contact information of the responsible party in case the unattended weighing system fails to operate properly (e.g., failures of hardware, software, printer, etc.).
- (b) The weighmaster is responsible for ensuring that the unattended weighing system is capable of voiding an incorrect weighmaster certificate and then issuing a corrected certificate. This requirement shall be verified as part of the unattended weighing system's type evaluation required by Business and Professions Code 12500.5.
- (c) If the operator (driver) makes an error entering any information that is necessary for the transaction, e.g., tare, causing an incorrect certificate to be generated, the operator (driver) must make corrections upon recognition of the error. It is unlawful for a driver to manipulate a tare so as to facilitate fraud.
- (d) Also see Chapter 1, Sections 4000, 4001, and 4002 for applicable selection, installation, use, and maintenance requirements.

Note: Authority cited: Sections 12027 and 12735, Business and Professions Code. Reference: Sections 12716.5, 12719 and 12737, Business and Professions Code.

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