

Extracts from the
BUSINESS AND PROFESSIONS CODE
of California

PERTAINING TO
WEIGHTS AND MEASURES
AND PETROLEUM PRODUCTS

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CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

Edmund G. Brown, Jr.
Governor

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WEIGHTS AND MEASURES

DISCLAIMER

This document represents the Division of Measurement Standard extracts from the Business and Professions Code and is intended to serve as a field resource for weights and measures officials for enforcing the laws pertaining to weights and measures in California. It is not to be considered as official state law.

To find the latest official version of Division 5 of the Business and Professions Code, visit the California Legislative Information website at:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

or the California Office of Administrative Law at:

<http://oal.ca.gov/>

For information concerning the contents of this document, please contact the Division of Measurement Standards by e-mail at dms@cdfa.ca.gov.

CHAPTER 13

Automatic Checkout Systems

ARTICLE 1

Point-of-Sale Displays

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§ 13300. CUSTOMER DISPLAY AND INDICATOR REQUIREMENTS

- (a) The operator of a business establishment that uses a point-of-sale system to sell goods or services to consumers shall ensure that the price of each good or service to be paid by the consumer is conspicuously displayed to the consumer at the time that the price is interpreted by the system. In any instance in which the business advertises a price reduction or discount regarding an item offered for sale, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings. Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services. The checkout system customer indicator shall be so positioned, and the prices and amounts displayed shall be of a size and form, as to be easily viewable from a typical and reasonable customer position at each checkout location.
- (b) For the purposes of this section, "point-of-sale system" means any computer or electronic system used by a retail establishment such as, but not limited to, Universal Product Code scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.
- (c) All point-of-sale systems used by a business establishment on and after January 1, 2007, shall comply with the requirement of subdivision (a).

Added Stats. 1977 ch 763; Expired by own terms January 1, 1980. Added Stats. 2002 ch 818. Amended Stats. 2006 ch 566 § 1.

§ 13301. WHO TO ENFORCE

Notwithstanding any other provision of this division, the Attorney General, the district attorney, or city attorney may enforce the provisions of this chapter in accordance with

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the provisions of Division 5 (commencing with Section 12001) or any other applicable provisions of law.

Added Stats. 1977 ch 763; Expired by own terms January 1, 1980. Added Stats. 2002 ch 818.

§ 13302. CIVIL PENALTY FOR VIOLATION OF THIS CHAPTER

Repealed

Added Stats. 2002 ch 818. Amended Stats. 2012 ch 661 § 50.

§ 13303. “SCANNERS”

The secretary may adopt necessary rules and regulations regarding the accuracy of automated systems for retail commodity price charging referred to as “scanners.”

Amended and Renumbered from 12736 Stats. 2012 ch 661 § 49.

§ 13304. Expired

Added Stats. 1977 ch 763; Expired by own terms January 1, 1980.

ARTICLE 2

Point-Of-Sale System Accuracy Verification

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§ 13350. INITIAL STANDARD INSPECTION PROCEDURE: INSPECTION FEES

(a) The board of supervisors of any county or city and county that has adopted or that adopts an ordinance for the purposes of determining the pricing accuracy of a retail establishment using a point-of-sale (POS) system, shall base the initial standard inspection of the POS system on the following criteria:

(1) The initial standard inspection shall be performed by collecting a random sample of items that shall include a maximum of 50 percent sale items from either:

(i) One department of a retail store.

(ii) Multiple areas of a retail store.

(iii) The entire store.

(2) The initial standard inspection shall be performed by testing a minimum random sample of 10 items for a retail establishment with three or fewer POS checkout registers.

(3) The initial standard inspection shall be performed by testing a minimum random sample of 25 items for a retail establishment with 4 to 9 POS checkout registers.

(4) The initial standard inspection shall be performed by testing a minimum random sample of 50 items for retail establishments with 10 or more POS checkout registers.

(5) The sealer shall verify that the lowest advertised, posted, marked, displayed, or quoted price is the same as the price displayed or computed by the point-of-sale equipment or printed receipt. Only items computed at a higher price than the lowest advertised, posted, marked, displayed, or quoted price shall be considered not in compliance.

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- (6) The minimum random sample size shall not apply to inspections of any establishment at which fewer items than the number specified as the minimum sample size are marked or displayed with a posted or advertised item price.
 - (7) The maximum percentage of sale item restriction in paragraph (1) shall not apply to inspections of any establishment at which a marketing or promotional practice does not enable the sampling of the minimum required percentage of nonsale items, such as "Everything In Store 50 percent Off" or the like.
 - (8) The compliance rate percentage of a retail establishment shall be determined by dividing the number of items in compliance by the sample size multiplied by 100.
- (b) Enforcement action may be taken for any item not in compliance.
 - (c) The sealer may reinspect any retail facility that has a compliance rate of less than 98 percent.
 - (d) The board of supervisors, by ordinance, may charge a point-of-sale system inspection fee or an annual registration fee, not to exceed the county's total cost of inspecting or testing the accuracy of prices accessed or generated by the system pursuant to this section.
 - (e) The board of supervisors, by ordinance, may charge a reinspection fee for reinspections of a retail establishment that fails the prior inspection, not to exceed the county's total cost of reinspecting or testing the accuracy of prices accessed or generated by the system pursuant to this section.

Added Stats. 2005 ch 529 § 6; Amended Stats. 2008 ch 434

§ 13351. "RANDOM SAMPLE"

For purposes of this chapter, "random sample" of items means that the selection process shall be modeled after the National Institute of Standards and Technology Handbook 130, 2005 Edition (HB 130) - Examination Procedures for Price Verification, randomized sample collection; stratified sample collection.

Added Stats. 2005 ch 529 § 6.

§ 13352. "POINT-OF-SALE SYSTEM"

For purposes of this chapter, "point-of-sale" system means any computer or electronic system used by a retail establishment such as, but not limited to, Universal Product Code

scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.

Added Stats. 2005 ch 529 § 6; Amended Stats. 2006 ch 566 § 5.

§ 13353. “SALE ITEMS”

For the purposes of this chapter, "sale items" include any item that is represented or advertised to be lower in price from that which the item is normally offered for sale. A "sale item" includes but is not limited to, an item that is represented as "promotional," "limited time offer," a "manager special," "discount taken at register," or displayed with any other advertisements that offers or suggests a reduced price.

Added Stats. 2005 ch 529 § 6.

§ 13354. “AREA”

For purposes of this chapter, "area" means an "entire store," a "department," "grouping of shelves or displays," or other "section" of a store as defined by the sealer from which samples are selected for verification. "Nonpublic" areas of a store, such as the area in a pharmacy in which controlled drugs are kept or product storage rooms, shall not be included.

Added Stats. 2005 ch 529 § 6.

§ 13355. “INITIAL STANDARD INSPECTION”

For the purposes of this chapter, "initial standard inspection" means an inspection made at the customary time interval used by an enforcement agency.

Added Stats. 2005 ch 529 § 6.

§ 13356. “SPECIAL INSPECTIONS”

All other inspections of the point-of-sale system are considered "special inspections," including, but not limited to, inspections pertaining to investigations, consumer complaints, complaints from competing businesses or a reinspection of a retail establishment at which one or more price accuracy violations have occurred within the previous six months.

Added Stats. 2005 ch 529 § 6; Amended Stats. 2008 ch 434

§ 13357. REPEAL DATE

Added Stats. 2005 ch 529 § 6; Amended Stats. 2008 ch 434; Repealed Stats. 2013 ch 166.