

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

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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>

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<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 3

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§ 12300. STANDARDS FOR CONTRACTS MADE WITHIN STATE FOR WORK OR SALE OF GOODS

Contracts made within this State for work to be done or for anything to be sold or delivered by weight or measure shall be construed according to the common standards, or according to the weights and measures of the metric system authorized by Congress, as the contract provides.

Added Stats. 1939 ch 43 § 1.

§ 12301. VALIDITY OF STIPULATION FOR METRIC SYSTEM

No contract or pleading is invalid or subject to objection because the weights and measures expressed or referred to therein are weights or measures of the metric system.

Added Stats. 1939 ch 43 § 1.

§ 12302. STANDARDS ENUMERATED AND DEFINED

Added Stats. 1939 ch 43 § 1; Repealed Stats. 1978 ch 756.

§ 12303. METROLOGICAL STANDARDS CERTIFIED BY NATIONAL BUREAU OF STANDARDS

The State standards of weights and measures by which all State and county standards of weights and measures shall be tried, proved, and sealed include the following standards, provided the standards have been certified relative to national standards under the direction of the National Bureau of Standards.

- (a) Metrological standards provided by the United States.
- (b) Metrological standards procured by the State.
- (c) Metrological standards in the possession of county sealers.
- (d) Metrological standards in the possession of laboratories certified to perform measurement services pursuant to Section 12500.7.

Repealed Stats. 1981 ch 97 § 1; Added Stats. 1981 ch 97 § 2.

§ 12304. SAFEKEEPING OF STANDARDS: CERTIFICATION

The standards of the State shall be kept in a suitable laboratory location or, if transportable, shall be maintained under environmental conditions appropriate for maintaining the integrity of the unit of measure represented by the standards. The standards shall be directly certified by the National Bureau of Standards or by any measurement assurance procedures approved by the National Bureau of Standards.

Repealed Stats. 1981 ch 97 § 3; Added Stats. 1981 ch 97 § 4.

§ 12305. USE OF STATE STANDARDS AND COPIES

The standards of the State shall be used to certify similar standards and any dissimilar standards which are dependent on the values represented by the state standards. Copies of the standards which have been compared and certified against the State standards shall become working standards which shall be used in the certification, calibration, and sealing of county field standards, and in the certification, calibration, and sealing of measurement devices submitted by State and local government agencies or by industry.

Repealed Stats. 1981 ch 97 § 5; Added Stats. 1981 ch 97 § 6.

§ 12306. [Added by Stats. 1939 ch 43 § 1 and repealed by Stats. 1939 ch 992 § 17.]

§ 12307. [Added by Stats. 1939 ch 43 § 1 and repealed by Stats. 1939 ch 992 § 17.]

§ 12308. DUTY OF COUNTY LEGISLATIVE BODY TO PROVIDE COPIES OF STANDARDS OF WEIGHTS AND MEASURES: CERTIFICATION

The legislative body of each county shall, upon the appointment of a sealer provide copies of the State's standards of weights and measures at county expense. These copies shall be verified and certified to by the department.

Added Stats. 1939 ch 43 § 1; Amended Stats. 1939 ch 992 § 18.

§ 12309. DUTY OF DEPARTMENT TO FURNISH COPIES OF STANDARD WEIGHTS AND MEASURES UPON REQUEST: TESTING AND APPROVAL OF COPIES UPON REQUEST: CERTIFICATION AND MARKING OF COPIES: MATERIALS OR CONSTRUCTION

The department shall, at the request of the legislative body of any county, furnish copies of the standard weights and measures of the State at the expense of the county requesting them. It shall upon request of the legislative body of any county or upon the request of a sealer of any such county test and approve copies of the State's standards of weights and measures procured by such county to be used by a county sealer.

Copies furnished under the provisions of this section or copies tested and approved shall be true and correct; shall be sealed and certified to; and stamped with the letter "C". Such copies need not be of the same material or construction as the standards of the State and such copies may be furnished in any suitable materials or construction that the county requiring the same may specify, subject to the approval of the department.

Added Stats. 1939 ch 43 § 1; Amended Stats. 1939 ch 992 § 19.

§ 12310. TIME FOR CERTIFICATION OF COUNTY STANDARDS: COST OF CERTIFICATION

The department, or a laboratory designated by the department which has been certified pursuant to Section 12500.7, shall certify the standards of the county sealers as often as may be deemed by the director to be necessary, based upon a review of statistical data resulting from previous certifications, but in no event shall the period of time between certifications exceed 10 years. In the absence of statistical data, standards shall be certified at least every two years. Sealers shall, upon the request of the department, deliver for testing those standards in their possession which are used in the discharge of their duties. Direct expenses incurred in the certification process shall be

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borne by the State, while any incidental expense, such as the cost of transportation, shall be borne by the county whose standards have been certified.

Repealed Stats. 1981 ch 97 § 7; Added Stats. 1981 ch 97 § 8.

§ 12310.5. CERTIFICATION AND VERIFICATION OF STANDARDS IN ACCORDANCE WITH STANDARDS CERTIFIED BY NATIONAL BUREAU OF STANDARDS: FEES

The department shall, upon request, certify and verify the various types of standards of weights and measures used by industry in accordance with the standards certified by the National Bureau of Standards, when such standards are submitted to the department for verification and certification.

The department shall establish a schedule of fees sufficient to cover the cost of furnishing such services. All money received under the provisions of this section shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration of the provisions of this section.

Added Stats. 1968 ch 731 § 1.

§ 12311. TESTING STANDARDS: ADJUSTMENT: REPLACEMENT

Every sealer having knowledge that a county standard may be incorrect, regardless of the cause, shall notify the department of the condition, and shall, if deemed by the department to be necessary, arrange to have the standard in question retested, adjusted, or replaced.

Repealed Stats. 1981 ch 97 § 9; Added Stats. 1981 ch 97 § 10.

§ 12312. COPIES OF STATE STANDARDS AS EVIDENCE IN PROSECUTIONS

In any prosecution for a violation of any of the provisions of this division any copy of the standards of weights and measures of the State furnished, procured, and certified to under the provisions of this division, shall be admitted in evidence upon the trial as prima facie true and correct.

Added Stats. 1939 ch 43 § 1.

§ 12313. RECOGNITION IN THIS STATE OF DEFINITIONS OF BASIC UNITS OF WEIGHT AND MEASURE, ETC., PUBLISHED BY NATIONAL BUREAU OF STANDARDS

The definitions of basic units of weight and measure, and the tables of weight and measure and weights and measures equivalents, as published by the National Bureau of Standards are recognized and shall govern weighing and measuring equipment and transactions in this State.

Added Stats. 1977 ch 872.

§ 12314. USE AND CERTIFICATION OF MEASURING LABORATORIES

The department, by regulation, may establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the secretary to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

The department shall recover actual costs for the certification of any laboratory from that laboratory.

The secretary may revoke or suspend any certification issued pursuant to this section for good cause. The secretary shall establish by regulation criteria to be used when revoking or suspending any certification on the basis of good cause. Any proceeding to revoke or suspend any certification shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the secretary shall have all the powers granted therein.

Measurements performed and standards certified by laboratories is certified under the provisions of this section shall qualify as prima facie evidence.

Amended and Renumbered Stats. 1982 Ch 758 § 1.5; Amended Stats. 2012 ch 661 § 37.

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