



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

February 13, 2015

DMS NOTICE  
D – 15 – 02  
DISCARD: Retain

**TO:** WEIGHTS AND MEASURES OFFICIALS

**SUBJECT:** Rescinded DMS Notice D-11-02

DMS Notice D-11-02 has been rescinded due to the passage of Assembly Bill 2451 (Daly, Chapter 539, Statutes of 2014), which became effective January 1, 2015.

Prior to this law change, Business and Professions Code (BPC) Section 12531(d) defined “placed in service” to mean “to permit the use of a device that has been tested and found to be correct, as defined in subdivision (c) of Section 12500, and type approved, as provided for in Section 12500.5, or to submit a device to a sealer for verification prior to installation.”

AB 2451 changed the definition of “placed in service” to “means to permit the use of a device that has been tested and found to be correct, as defined in subdivision (c) of Section 12500, and type approved, as provided for in Section 12500.5.”

If you have any questions, please contact Greg Boers, Principal State Metrologist, at (916) 229-3000 or [greg.boers@cdfa.ca.gov](mailto:greg.boers@cdfa.ca.gov).

Sincerely,

Kristin J. Macey  
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA





April 14, 2011

**Rescinded January 6, 2015**  
**See DMS Notice D-15-02**

DMS Notice  
D-11-02

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

**Subject: Registration of Mobile Home Park Owners/Managers/Employees  
as Registered Service Agencies and Service Agents**

Many mobile home parks, apartment complexes and marinas have water, hydrocarbon vapor, and electric watt-hour meters installed as sub-meters of a master meter. When these meters are due for inspection (a maximum time of ten years), they are removed and replaced with similar devices that have already been tested and sealed, to continue service to tenants. Often owners/managers/employees of these mobile home parks, apartment complexes, and marinas remove the meters themselves and replace them with previously sealed meters they keep on hand without using a service agency.

The question has arisen as to whether these owners/managers/employees are repairing and/or placing devices into commercial service, and therefore acting as service agencies/service agents which would require them to register and license with the Department.

A "Service Agency" is any person that repairs a commercial device for payment, and a "Service Agent" is any person employed by a service agency to repair a commercial device. "Repair" includes providing maintenance, installing, adjusting, reconditioning, or servicing a device [BPC §12531(a),(b), (f)].

"Placed in service" is defined as to permit the use of a device that has been tested and found to be correct, as provided, or to submit a device to a sealer for verification prior to installation [BPC §12531(d)]. A commercial device may only be placed in service by a sealer of weights and measures or a service agency [BPC §12532(e)].

If a device was submitted to a sealer for testing and sealed prior to installation it has already been placed in service. Thus, the meter the owner/manager/employee is installing has already been placed in service. The sealer, by sealing the device, has already permitted its use and so the owner/manager/employee's actions are restricted to merely removing the old meter and replacing it with a new meter. Although installation of a device is



included in the definition of “repair”, Business and Professions Code Section 12532 (e) provides that if a device is placed in service by a sealer, the person who “repairs” it does not need to be registered. Thus, if a device has been placed in service by the sealer, the workers who replace the device do not need to be registered as a service agency. Because the mobile home park, apartment, marina owner/manager and their employees are not repairing commercial devices, but are simply removing and replacing them, they do not meet the definition of service agency/service agent and should not be required to register or obtain a license from the Department. However, if the removed devices are submitted to a sealer for reverification, the person submitting the device must be a registered service agency [Section 12531 (d)].

It should also be noted that any person, not just a service agency, who installs a device to notify the sealer in writing within 24 hours. Any person who fails to do this is guilty of a misdemeanor [BPC §12515].

Questions regarding this Notice should be directed to David Lazier, Assistant Director at (916) 229-3000 or [dlazier@cdfa.ca.gov](mailto:dlazier@cdfa.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Kristin J. Macey". The signature is written in a cursive, flowing style.

Kristin J. Macey  
Director

cc: Ed Williams, Director County State Liaison Office