



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

DMS NOTICE
G- 11 - 05

October 14, 2011

Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Field Reference Manual Updates

The attached changes to the California Code of Regulations, Title 4, Division 9 have occurred since January 2011.

Copies of the changed, amended, and added language are attached to this Notice. Those changes are as follows:

- Amendments to Chapter 6, Article 5 – Engine Fuel Standards and Chapter 7 – Advertising and Labeling of Gasoline and Other Motor Vehicle Fuels.
- Repeal of the Recommended Minimum Test Weights and Test Load exception to Handbook 44 and the adoption of Handbook 44 language.
- Amendments to the Administrative Civil Penalty Guidelines and Table A.

Updated pages for your Field Reference Manual will be made available in January 2012.

Sincerely,

Kristin J. Macey
Director

cc: Edmund E. Williams, Director, CDFA County Liaison Office

Attachments



Article 5. Engine Fuel Standards

4140. Definitions Used in Title 4, Division 9, Chapters 6 and 7.

- (a) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the specifications set forth by the ASTM International in the latest version of Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels D6751 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.
- (b) "Diesel fuel" means a light middle or middle distillate fuel which may be blended up to 5. volume percent biodiesel, and meeting the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.
- (c) "Biodiesel blend" means biodiesel blended with petroleum-based diesel fuel.
- (d) "Non-ester renewable diesel" means a diesel fuel registered as a motor vehicle fuel or fuel additive under 40 CFR Part 79, as amended by Pub. L. 91-604, produced from nonpetroleum renewable resources that is not a mono-alkyl ester.
- (e) "Non-ester renewable diesel blend" means non-ester renewable diesel blended with petroleum-based diesel fuel.
- (f) "Biomass-based diesel" means a renewable diesel fuel that meets the definition of either biodiesel or non-ester renewable diesel.

NOTE: Authority cited: Sections 12027, 13440 and 13450, Business and Professions Code. Reference: Sections 13401, 13440, 13441, 13450 and 13451, Business and Professions Code.

4141. Specifications-Automotive Spark Ignition Engine Fuel. Automotive spark ignition engine fuel specifications shall conform to the latest standards set forth in the ASTM International D 4814 with the following exception:

Vapor pressure specifications shall not be more than the maximum specified by any California state law. When the maximum Reid Vapor Pressure specification for automotive spark-ignition engine fuel is below that established by D 4814, the Vapor Pressure/Distillation Class AA specification for distillation temperatures may be applied in the manufacture of automotive spark-ignition engine fuel.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4142. Specifications-Kerosene. - Kerosene shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Kerosene D 3699 contained in ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

NOTE: Authority cited: Sections 12027, 12609 and 13450, Business and Professions Code. Reference: Sections 13401(c) and 13450, Business and Professions Code.

4143. Specifications-Fuel Oil. - Fuel oil shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Fuel Oils D 396 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, except the sulfur content shall not exceed the maximum specified by any California state law.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(l) and 13450, Business and Professions Code.

4144. Specifications-Diesel Fuel. - Diesel fuel shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D 975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, except the sulfur content shall not exceed the maximum specified by any California state law.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

4145. Specifications – Developmental Fuels.

- (a) Sales of developmental engine fuels authorized by the Department are not subject to restrictions imposed upon the sale of non-conforming fuel products as set forth in Business and Professions Code Sections 13441, 13442 and 13451, but the Department's authorization does not create a variance or waiver from any other applicable California statute or regulation.
- (b) An applicant for authorization to sell developmental engine fuel must submit the following information to the Department:
 - (1) a statement of the potential benefit of the fuel to the people of California; and
 - (2) a description of test conditions associated with the use of the fuel, including control and monitoring practices, and the method of distribution and storage.
- (c) Any authorization provided by the Department is subject to the following terms and conditions:
 - (1) The authorization is limited to a period of two years, with an automatic renewal for an additional two years in the absence of action to revoke the authorization by the Department; and,
 - (2) Damages caused by sale, delivery, storage, handling and usage of the fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the authorization holder and the user; and,
 - (3) The authorization holder shall report information to the Department as required to monitor the use of the fuel during the process of developing a generally recognized chemical and performance standard through a recognized consensus organization or standards writing organization, such as ASTM International or SAE International. The Department shall specify the reporting requirements on a case by case basis at the time the authorization is granted.
 - (4) Any device used for the sale or distribution of a developmental engine fuel must comply with the Business and Professions Code Section § 12500 (e).
- (d) The Department may take action to revoke the authorization at any time. Revocation of the authorization is effective and final upon receipt of written notification by the authorization holder. The Department may take action to revoke the authorization if the Department finds:
 - (1) the authorization holder has violated any of the terms and conditions of the authorization; or,
 - (2) the authorization holder has abandoned efforts to develop a generally recognized chemical and performance standard for the fuel through a recognized consensus organization or standards writing organization.
 - (3) there is a high probability of equipment harm with the continued use of the developmental fuel or to protect the public safety.
- (e) The authorization shall cease to exist upon publication of a generally recognized chemical and performance standard for the fuel.

NOTE: Authority cited: Sections 12027 and 13405, Business and Professions Code. Reference: Sections 13401, 13440 - 13443 and 13450 - 13451, Business and Professions Code.

4146. Specifications – E85 Fuel Ethanol. – E85 Fuel Ethanol shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Ethanol (Ed75 – Ed85) for Automotive Spark-Ignition Engines D 5798”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4147. Specifications – M85 Fuel Methanol. – M85 Fuel Methanol shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Methanol (M70 – M85) for Automotive Spark-Ignition Engines D 5797”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4148. Specifications – Biodiesel Blends. – Biodiesel Fuel Blends shall meet the following specifications:

- (a) Biodiesel blends with a concentration of 5. volume percent biodiesel or less shall meet the specification set forth by ASTM International in the latest version of the “Standard Specification for Diesel Fuel Oils” D975, publication entitled: Annual Book of ASTM Standards, Section 5.
- (b) Biodiesel blends with a concentration from 6. to 20. volume percent biodiesel shall meet the specifications set forth by ASTM International in the latest version of the “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)” D7467, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.
- (c) Any finished biodiesel fuel blend greater than 20. volume percent biodiesel, shall meet the specifications set forth by ASTM International in the latest version of the specifications set forth for biodiesel blends greater than 20. volume percent biodiesel.

(1) Absent an ASTM International specification, the CDFA shall establish specifications pursuant to Business and Professions Code, Division 5, Chapter 14, Section 13450 using the data determined upon completion of the California Energy Commission Interagency Agreement, wherein the CDFA will perform test methods and standards development for biodiesel blends greater than 20 volume percent. (2) These interim standards will remain in place until such time as a recognized consensus organization or standards writing organization, such as ASTM International or SAE International, adopts specifications for biodiesel blends greater than 20. volume percent.

(3) Biodiesel blends greater than 20. volume percent may only be sold under a developmental engine fuel variance obtained pursuant to Section 4145 of this article. Any variance granted will expire at such time as the CDFA adopts specifications for biodiesel blends greater than 20. volume percent biodiesel.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

4149. Specifications – Non-ester Renewable Diesel Blends. – Non-ester Renewable Diesel Blends shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

Chapter 7. Advertising of Gasoline and Other Motor Vehicle Fuels

4200. Advertising Medium. - “Advertising medium,” as used in this subchapter, includes banner, sign, placard, poster, streamer and card, whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other, provided, the advertised statements can reasonably be read as one advertising message.

NOTE: Authority cited: Sections 12027 and 12609, Business and Professions Code. Reference: Sections 13531, 13532, 13534, 13535, 13536, 13537, 13538, 13539, and 13540 Business and Professions Code.

4201. Price Sign Display on Dispensing Apparatus. - In addition to the requirements of Sections 13470 and 13480, Business and Professions Code, any sign referring to the price of gasoline or other motor vehicle fuel displayed on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, shall be limited to the following:

- (a) actual price per gallon or liter, and
- (b) conversion chart information required for liter sales per Section 13470.5, Business and Professions Code
- (c) brand name and the name of the product may be displayed.

NOTE: Authority cited: Sections 12027 and 12609, Business and Professions Code. Reference: Sections 13470, 13470.5 and 13480, Business and Professions Code.

4202. Labeling and Price Sign Advertising Requirements for Biodiesel and Biodiesel Blends.

- (a) The labeling on biodiesel and biodiesel blend dispensers shall meet the requirements found in the latest version of the Federal Trade Commission (FTC) 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010.
- (b) The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.
- (c) Every biodiesel dispenser dispensing blends greater than 5. volume percent shall display on each customer side, as required by Section 13484 of the Business and Professions Code, a sign clearly visible which reads as follows:

“THIS FUEL CONTAINS BIODIESEL. CHECK THE OWNER’S MANUAL OR WITH YOUR
ENGINE MANUFACTURER BEFORE USING.”

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.

4203. Labeling and Price Sign Advertising Requirements for Biomass-Based Diesel and Biomass-Based Diesel Blends.

- (a) The labeling on biomass-based diesel and biomass-based diesel blend dispensers shall meet the requirements found in the latest version of the Federal Trade Commission (FTC) 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010.
- (b)
- (c) The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.

4204. Labeling and Price Sign Advertising Requirements for E85 Fuel Ethanol and M85 Fuel Methanol

- (a) The labeling on E85 Fuel Ethanol and M85 Fuel Methanol dispensers shall meet the requirements found in the latest version of the FTC 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010.
- (b) All dispensers, advertising signs and storage tank labels shall comply with the requirements of Section 13480 and 13532 of the Business and Professions Code. E85 Fuel Ethanol and M85 Fuel Methanol shall use, at a minimum, the words “E85” “Ethanol”, or “M85” “Methanol” in close proximity to describe the name of the product.
- (c) E85 Fuel Ethanol and M85 Fuel Methanol are defined as alternative fuels by the Federal Trade Commission (FTC) and therefore no grade designation is required.

NOTE: Authority cited: Sections 12027, 13480 and 13484, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4205. Illumination. - In addition to the requirements of Section 13536, Business and Professions Code, when any advertising message is illuminated, the entire message shall be uniformly illuminated.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 13536, Business and Professions Code.

**Article 2. Weights and Measures
Penalty Guidelines**

4800. Notice of Proposed Action and Disposition.

- (a) When a county sealer takes administrative action, the person charged with a violation(s) shall be notified of the proposed penalty(s) and the right to request a hearing. The notification shall also include the right to appeal to the Secretary pursuant to the procedures provided in Section 12015.3(c) or Section 13302 as appropriate of the Business and Professions Code.
- (b) When the State Sealer takes administrative action, the person charged with the violation(s) shall be notified of the proposed penalty(s), and the right to request a hearing. The notification shall also include the right to have the decision reviewed, within 30 days of receiving the sealer's decision, pursuant to Section 12015.3(c) of the Business and Professions Code.
- (c) When a respondent in an administrative action agrees to stipulate to the notice of proposed action, a signed stipulation with the payment of the proposed administrative penalty shall be returned to the county/State Sealer within 45 days of the postmark of the notice of proposed action. If the stipulation and payment of the proposed administrative penalty are not received within 45 days, the county/State Sealer may file a certified copy of a final decision that directs the payment of a civil penalty with the clerk of the superior court of any county pursuant to Section 12015.3(d) of Business and Professions Code.
- (d) If an administrative hearing is requested, a proposed decision and order shall be made by a hearing officer within 60 days of the conclusion of the hearing. The final decision and order shall be made by the sealer. This order will be mailed to the respondent. Any penalty imposed shall be due and payable within 45 days of the postmark of such order. If a respondent fails to pay the penalty and fails to timely file a written appeal pursuant to Business and Professions Code Section 12015.3(c) or 13302(c), the sealer may take action as provided in Business and Professions Code Sections 12015.3(d) or 13302(d). Action may be taken to collect the penalty and the collection costs actually incurred.
- (e) In the event that a respondent fails to comply with the provisions of Business and Professions Code Sections 12015.3 or 13302, the sealer may take the action proposed without a hearing. This action may include collection of the penalty and the collection costs actually incurred.

NOTE: Authority cited: Sections 12015.3(b) and 13302(b), Business and Professions Code. Reference: Sections 12015.3(b) and 13302(b), Business and Professions Code.

4801. Administration.

- (a) When a county sealer initiates an action, the sealer shall send a copy of the notice of proposed action to the State Sealer at the time of notice to the person charged with the violation(s). Additionally, the county sealer shall inform the State Sealer of violations for which penalties have been assessed. On at least an annual basis, the State Sealer shall inform county sealers throughout the State of violations for which penalties have been assessed.
- (b) When the State initiates the action, the State Sealer shall send a copy of the notice of proposed action to the county sealer involved. This notice shall also be sent, at the time of notice, to the person charged with the violation(s). The State Sealer shall also inform the county sealer in which the action has been initiated of violations for which penalties have been assessed.

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

4802. Penalty Guidelines. In applying Sections 12015.3 or 13302 of the Business and Professions Code, the sealer shall use the provisions of this section to determine the types of violations for which penalties may be assessed and the amounts of the penalties. Nothing in this article prohibits a sealer from seeking other relief through the criminal or civil court process in lieu of administrative action.

- (a) For the purposes of this article, violation types are designated as "Category A" "Category B" and "Category C"

Weight and Measures Penalty Guidelines

- (1) "Category A" violations are violations in which there are actual, or there is the potential for actual false, deceptive, or misleading business practices, or significant monetary loss to consumers; or repeated violations of subparagraph (2) that occurred within a two-year period at the same location and which resulted in an action and subsequent penalty. Included in this category are certain violations subject to prior legislated fine levels pursuant to Business and Professions Code Section 12729. The appropriate penalty range for these violations is \$400-\$1,000; however, such penalty shall not exceed the maximum criminal fine specified in the charging section.
 - (2) "Category B" violations are violations in which there is a reasonable potential for intermediate level of consumer or competitive harm; or repeated violations of subparagraph (3) that occurred within a two-year period at the same location and which resulted in an action and subsequent penalty. The appropriate penalty range for these violations is \$150-\$600; however, such penalty shall not exceed the maximum criminal fine specified in the charging section.
 - (3) "Category C" violations are primarily violations that would typically have a less egregious effect on consumers or equitable competition in the marketplace. Included in this category are other violations included in Business and Professions Code, Division 5 that are not included in Table A. The appropriate penalty range for these violations is \$50-\$250; however, such penalty shall not exceed the maximum criminal fine specified in the charging section.
- (b) Table A shall be used to establish the level of severity of a particular violation and its corresponding penalty range. Except where specific violation parameters are provided, the violation column in Table A is an abbreviated description of the corresponding section in the California Business and Professions Code, Division 5, Weights and Measures.

1 = Category A
(\$400 to \$1,000)

2 = Category B
(\$150 to \$600)

3 = Category C
(\$50 to \$250)

TABLE A

B&P §	VIOLATION	TYPE		
<i>12016</i>	Hindering or obstructing sealer.	1		
<i>12018</i>	Neglect or Refusal to exhibit weighing or measuring device for inspection	1		
<i>12021</i>	Marking or stamping false or short weight or measure on containers: Taking false tare (knowingly).	1		
<i>12022.5</i>	Fresh meats or roasts: Advertising/selling on basis of net weight, not including added fat.		2	
<i>12023</i>	Selling according to gross weight or measure.		2	
<i>12024</i> (Prepacked product – Labeled and sold, but not packed on the same premises)	Selling in less quantity than represented: Prepackaged – Labeled and sold, but not packed on the same premises.			
	- Single Lot:			
	Overcharge less than 50¢.			3
	Overcharge 50¢ to \$2.00.		2	
	Overcharge more than \$2.00.	1		
	- Total of All Lots:			
	Overcharge less than \$2.00.			3
	Overcharge \$2.00 to \$10.00.		2	
	Overcharge more than \$10.00.	1		
<i>12024</i> (Prepacked product – Packed, labeled, and sold on the same premises)	Short measure bulk wood deliveries.	1		
<i>12024</i> (Prepacked product – Packed, labeled, and sold on the same premises)	Selling in less quantity that represented (per BPC §12024.3 criteria) Prepackaged – Packed, labeled, and sold on the same premises			

Weight and Measures Penalty Guidelines

B&P §	VIOLATION	TYPE		
12024 (cont.) <i>(Prepacked product – Packed, labeled, and sold on the same premises)</i>	- Single Lot (unknowingly):			
	Overcharge of \$2.00 or less			3
	Overcharge more than \$2.00	1		
	- Total of Multiple Lots (unknowingly):			
	Overcharge of less than \$2.00			3
	Overcharge \$2.00 to \$10.00		2	
	Overcharge more than \$10.00	1		
12024 <i>(Wholesale or retail lots – not packed or labeled by retailer)</i>	Selling in less quantity than represented: Prepacked – Wholesale or retail lots – Not packed or labeled by retailer			
	Overcharge not more than \$50.00		2	
	Overcharge more than \$50.00	1		
12024.1	Misrepresenting charge for service rendered (willfully).	1		
12024.2	Unlawful computation of value.			
	(A) Test Purchase of Commodities by Weight, Measure, or Count, Determined at Time of Sale: (Applies to any number of items purchased or inspected for pricing integrity)			
	- Overcharged on One Item: Overcharge equals 15¢ or more and is 5% or more of correct value for that item.		2	
	- Overcharged on Two or More Items: Total Overcharge equals 15¢ or more and is 3% or more of correct total value for those items.	1		
	(B) Scanning/Automated and Other Check stand Inspections.			
	- Overcharged on fewer than 10% of items purchased or inspected for pricing integrity or total overcharge is less than 2% of correct total price of all items purchased or inspected.			3
	- Overcharged on 10% or more but on fewer than 12% of items purchased or inspected for pricing integrity.		2	
	- Total overcharge 2% or more but less than 4% of correct total price of all items purchased or inspected.		2	
	- Overcharged on 12% or more of items purchased or inspected for pricing integrity.	1		
	- Total overcharge 4% or more of the correct total price of all items purchased or inspected.	1		
	Test Sample Size of 10 or Fewer Items (“Initial Standard Inspections” as defined by BPC §13350 or “Special Inspections” as defined by BPC §13356):			
	- Overcharge on any item does not exceed 8% of the correct price of that item			3
	- Overcharge on any item is greater than 8% but does not exceed 15% of the correct price of that item		2	
- Overcharge on any item is greater than 15% of the correct price of that item	1			

Weight and Measures Penalty Guidelines

B&P §	VIOLATION	TYPE		
<i>12024.5</i>	Sale of fowl, meat, or fish other than by weight: ready-to-eat items.		2	
<i>12024.55</i>	Door-to-door salespersons; failure to provide price per pound statements on packages.		2	
<i>12024.6</i>	Prohibition of advertising intended to entice customer into transaction other than represented.	1		
<i>12024.7</i>	Failure to provide: A statement of weight and type of cuts of meat sold; itemized statement showing quantity of fruits, vegetables, and other food products delivered in connection with meat sale.		2	
<i>12024.9</i>	Failure to provide a statement of weights supplied to consumer upon direct sale of meat on basis of primal cuts or carcass weight.		2	
<i>12024.10</i>	Failure to retain a document stating weight and cut of meat sold.		2	
<i>12025</i>	Refusal to exhibit commodity being sold at given weight or quantity.	1		
<i>12025.5</i>	Identification of commodity or container ordered "off sale" under §§ 12211 or 12607.	1		
<i>12107</i>	Violation of tolerances and specifications for commercial weighing and measuring apparatus.			3
<i>12107.1</i>	Establishment of commodity standards, weights, measures, and counts: Procedure: Unlawful sales.			3
<i>12500.5</i>	Approval and certification of commercial instruments: Sale or use for commercial purposes of nonapproved instruments.		2	
<i>12507</i>	Repair of "out of order" instruments: Time: Disuse: Effect of refusal or neglect to repair: Disposition of seized instruments.	1		
<i>12508</i>	Removal or obliteration of sealer's tag or device.	1		
<i>12510(a)</i>	Presumption of intent to violate law:			
	(1) Using an incorrect device.			
	(2) Sells commercial device not sealed within last year.			
	(3) Using a condemned device contrary to law.			
	(4) Uses for commercial purposes an unsealed, incorrect device not kept at fixed location.			
	(5) Used to falsify.	1		
	(6) Location of retail scale.		2	
	(7) False computation of price.		2	
	(8) Return to zero (knowingly).	1		
	(9) Deliver for test.		2	
	(10) Sells, uses, rents, loans incorrect device.		2	
<i>12512</i>	Purchase of less than true quantity.	1		
<i>12515</i>	(a) Repair, sale, or installation of instrument: Failure to notify county sealer.		2	
<i>12516</i>	Location of scale when auctioning livestock		2	
<i>12532</i>	(a) Engaging in business as a service agency when not registered with the Secretary of Food and Agriculture		2	
<i>12533</i>	(a) (1) Not possessing or having available necessary standards and testing equipment			3
	(2) Standards and testing equipment shall meet specifications and tolerances in NIST 105 Series Handbooks			3

Weight and Measures Penalty Guidelines

B&P §	VIOLATION	TYPE		
12533 (cont.)	(b) Ensure every service agent has a current service agent license		2	
	(c) Possess a current copy of Title 4 of the California Code of Regulations, Field Reference Manual			3
12534	Use suitable and sufficient standards, permanently and uniquely identified and have a current certificate of accuracy			3
12540	Service agent examination and licensing		2	
12602	Distributing commodity contained in nonconforming package: Exception for wholesale or retail distributors not engaged in packaging or labeling.		2	
12603	Regulations to be established by Secretary: Required provisions of regulations.			
	- Identity of commodity and/or name and place of business of packer/distributor/manufacturer.		2	
	- Net quantity of contents not on container or label.		2	
12605	Prohibition of distribution of packaged commodity containing qualifying words in separate statement of net quantity of contents: Supplemental statements: Prohibited qualifications.		2	
12606	Containers not to be constructed or filled as to facilitate fraud		2	
12606.2	Misleading food containers, prohibited		2	
12611	Selling commodity in nonconforming container or with nonconforming label: Required information not prominently displayed.		2	
12703	Weighmaster License, fee and/or penalty required.		2	
12704	Weighmaster License fee.		2	
12705	Change in legal entity of weighmaster licensee.		2	
12707	Weighmaster License renewal; failure to pay fee when due.		2	
12710.5	(b) Failure to notify of replacement/deletion of deputy weighmaster.			3
12711	When weighmaster certificate to be issued.		2	
12712	Issuance of certificate by one other than weighmaster making determination; transfer of weight or measure to other certificate.			
	(a) Weighmaster certificates issued based on information from another weighmaster.		2	
	(b) Transfer of weight from one certificate to another.		2	
12713	(a) Responsibility for completeness of weighmaster certificate.		2	
	(b) Omitted information on weighmaster certificate.		2	
12714	Weighmaster certificate legend/principal licensee name.			3
12714.5	Information on certificate to be legible; consecutive numbering.			3
12715	Contents of weighmaster certificate.			3
12716	Weighmaster recordkeeping; inspection.		2	
12716.5	Correction of errors (weighmaster certificate).		2	
12717	Approval, testing, and sealing of weighing or measuring device.		2	
12718	(a) Requests a person to weigh, measure, or count falsely.	1		
	(b) Requests a false or incorrect weighmaster certificate.	1		
	(c) Furnishes or gives false information to a weighmaster.	1		
	(d) Knowingly presents for payment a false weighmaster certificate.	1		

Weight and Measures Penalty Guidelines

B&P §	VIOLATION	TYPE		
<i>12718 (cont.)</i>	(e) Knowingly issues a false weighmaster certificate.	1		
	(f) Alters a weighmaster certificate resulting in a false weight, measure, or count.	1		
	(g) Possesses blank weighmaster certificates if not licensed.	1		
	(h) Issues a weighmaster certificate with alterations or omissions of gross, net, tare weights, net only weights, or measurements.	1		
<i>12719</i>	Change of net contents after recordation of weight.	1		
<i>12720</i>	Alteration of tare weight of vehicle prior to determining net weight of commodity.	1		
<i>12721</i>	Weighing for purposes of certification.	1		
<i>12722</i>	Use of predetermined tare weight; exemption for specified rock products.			
	(a) Violation of tare regulations.	1		
	(b) Rock, sand, and gravel predetermined tares.	1		
<i>12724</i>	Determination of gross and tare weights by a weighmaster; requirement that all persons be off scale and vehicle; exceptions.		2	
<i>12725</i>	Conditions under which gross weight not to be certified.		2	
<i>12727</i>	Verification of weight, measure, or count.	1		
<i>12728</i>	Requirement that entire vehicle rest on scale; exemption for seed cotton, multiple rail cars containing grain/grain products.		2	
<i>12729 (c)</i>	Tomato cab card tare weight. (See also B&P Section 12729)	1	2	
<i>12730</i>	Farm products.		2	
<i>12731</i>	Livestock.		2	
<i>12732</i>	Adjustments to load; commodity weights determined at other than site where vehicle was loaded.		2	
<i>12733</i>	Scrap metal and salvage materials.		2	
<i>12734</i>	Squid or anchovy.		2	
<i>13300</i>	Customer display and indicator requirements		2	
<i>13411</i>	Sale of petroleum products contingent upon additional purchase.		2	
<i>13413</i>	Deceptive, false, or misleading statements (Chapter 14) Petroleum Products.	1		
<i>13420, 13421, 13422</i>	Operators of petroleum dealerships required to make monthly update of advertising medium indicating hours of sale and turn off lights when not open for business.			3
<i>13441</i>	Sale or delivery of nonstandard product.	1		
<i>13442</i>	Sale or delivery of nonstandard product as motor fuel to be labeled "not gasoline".	1		
<i>13451</i>	Sale or delivery of nonstandard diesel, kerosene, or fuel oil.	1		
<i>13460, 13461</i>	Sale of engine or gear oil which fails to meet specifications.	1		
<i>13470</i>	Display of price sign on dispensing apparatus: Contents of sign.		2	
<i>13470.5</i>	Gallon-to-liter conversion table.		2	
<i>13472</i>	Dual pricing.		2	
<i>13480</i>	Sale, etc., of petroleum products from unlabeled containers, etc: Viscosity rating: Containers with net content of gallon or less.			3

B&P §	VIOLATION	TYPE		
13482	Sale of lubricant without SAE/API service classification.			3
13486	Filling to tanks with product other than that identified on container label.	1		
13500	Labeling:			
	(a) No product and/or grade on delivery vehicle.			3
13501	Commingling of products.	1		
13502, 13486	Deliveries into storage tanks.	1		
13520	Temperature-corrected gallonage.		2	
13530	Application of article; display of price per liter or per gallon.			
	(a) Advertising a price that is not identical with the dispenser.		2	
13531	Display requirements; exemption of specified geographic areas; violations.			
	(a) Failure to advertise motor fuel prices.		2	
13532	Motor fuel; contents of display:			
	(a) Advertising price signs.			3
	(b) Violation of discount advertising.			3
	(c) Advertising lower price only. (See also § 13413)		2	
	(d) Failure to advertise price in same form.		2	
13534	Additional advertising matter.			3
13562	Change of designation under which product purchased: Authorization.		2	
13568	Written authority; furnishing copies.		2	
13570	Percentage of alcohol to be stated on normal business records: Certification of antiknock index.		2	
13571	Not providing documentation when requested.		2	
13593	Refusal to permit sampling.	1		
13595	Selling product which does not meet specifications. (See also §§ 13413, 13441, 13451)	1		
	Selling from unlabeled or mislabeled containers. (See also §§ 13413, 13480)			3
13600	Unauthorized breaking, etc., of seal.	1		
13740	Sale or distribution of adulterated or mislabeled product.	1		
13741	Deceptive, false, misleading statement (Chapter 15) Automotive Products	1		

NOTE: Authority cited: Sections 12015.3(a), 13302(a), and 12027, Business and Professions Code.
 Reference: Sections 12015.3(a), 13302(a), and 12027, Business and Professions Code.