

Division of Measurement Standards  
8500 Fruitridge Road  
Sacramento, CA 95826

DMS NOTICE  
W - 5 - 01

October 23, 2001

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

**SUBJECT: Notice to Industry Regarding the Public Scale Survey and Self-help Examination**

As a result of the baseline Public Scale Survey, the attached notice is being sent to those weighmasters who have indicated that they weigh the public for hire. The notice identifies the violations found during the survey and also informs them of their responsibility for their deputy weighmasters. Additionally, the notice provides them with the DMS web site information and access to the self-administered deputy weighmaster examination.

If you have any questions regarding this notice, please contact David Lazier, Chief, Weighmaster Enforcement/Petroleum Products Branch, at (916) 229-3044.

Sincerely,

Mike Cleary  
Director  
(916) 229-3000

Attachment

cc: Ed Williams

Division of Measurement Standards  
8500 Fruitridge Road  
Sacramento, CA 95826

October 23, 2001

TO INDUSTRY MEMBER ADDRESSED

**SUBJECT: Self-Administered Deputy Weighmaster Examination**

A statewide random survey to determine the baseline compliance levels for weighmasters providing a public weighing service was conducted within California by the Division of Measurement Standards (DMS). Weighmaster certificates were purchased undercover throughout the state at randomly selected locations that weigh the public for hire. The results of the survey indicate that many deputy weighmasters at these scales committed violations in the following areas:

- Weighing the vehicle with a person remaining in the vehicle.
- Inserting a tare weight of the vehicle without actually weighing the vehicle.
- Failing to eliminate unused weight spaces with "Gross Only", "Tare Only", or "Net Only".
- Using initials or an incomplete signature when signing the certificate.
- Failing to sufficiently identify the commodity.
- Failing to identify the owner or agent and consignee – the buyer and seller.
- Failing to identify the vehicle(s) by license number(s).
- Weighing without being licensed as a deputy weighmaster.

Each of these violations is a misdemeanor punishable by a fine of up to \$1,000, plus penalty assessments, and/or six months in jail.

The California Business and Professions Code, Division 5, Chapter 7, Section 12710 states the following:

"A weighmaster may employ or designate any person to act for the weighmaster as a deputy weighmaster and **shall be responsible for all acts performed by that person.**" (Bold added for emphasis)

Industry Member  
October 23, 2001  
Page Two

In an effort to help principal weighmasters with their responsibility to train their deputies, the DMS has created a self-administered fifteen question examination. The examination, which covers the important responsibilities of deputies regarding the completion of weighmaster certificates, can be downloaded from the Internet by going directly to the DMS web site. The file is in pdf format and requires an Acrobat reader. Our web page is located at - <http://www.cdfa.ca.gov/dms>. Once you are at the web page, click on "Announcements" and select "New Deputy Weighmaster Self Exam". Or go directly to - <http://www.cdfa.ca.gov/dms/pdfs/PubScaleDeputyQuiz.pdf>

The DMS, Weighmaster Enforcement/Petroleum Products Branch, Special Investigations Unit will continue to purchase undercover weighmaster certificates at scales that weigh the public for hire. Violations found may result in enforcement action being taken against both the principal weighmaster and the deputy who committed the violation.

Questions regarding this notice should be directed to David Lazier, Chief, Weighmaster Enforcement/Petroleum Products Branch, at (916) 229-3044.

Sincerely,

Mike Cleary  
Director  
(916) 229-3000