



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

December 4, 2013

DMS NOTICE
W - 13 - 02
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: IMPLEMENTATION OF NEW WEIGHMASTER LAW FOR JUNK DEALERS AND RECYCLERS

On October 3, 2013, Governor Brown signed into California law Senate Bill 485 – Weighmasters: junk dealers and recyclers. The legislation, sponsored by the West Coast Chapter of the Institute of Scrap Recycling Industries, is intended to deter fraudulent transactions at junk dealers and recyclers, and decrease the sale of stolen metal property.

Effective January 1, 2014, the new law requires junk dealers and recyclers, as defined in Business and Profession Code sections 21601 and 21605(b), to provide additional information to the Division of Measurement Standards (DMS) when applying for or renewing a weighmaster license. The law also creates an additional \$500.00 license fee for all junk dealer and recycler weighmaster locations throughout California. To reduce the number of non-compliant dealers, each location must be inspected after licensure to ensure that the information contained on the application is materially accurate. Non-compliant businesses are subject to license revocation. For additional information, please see the enclosed letter that will be sent to all weighmasters at the time of license renewal.

DMS wishes to offer county departments of weights and measures the opportunity to conduct initial inspections at junk dealer and recycler locations. DMS, via cooperative agreement, will pay \$240.00 for each completed initial inspection. Cooperative agreements will be emailed to each county during the month of December 2013. Upon receipt of the agreements, counties must review, approve, and return the signature page of the agreements in a timely manner in order for the CDFA Federal Funds Management Office, Grant Awards Unit to process and execute the agreements by January 1, 2014.

If you have any questions, please contact Vickie Baker, Supervising Special Investigator, at (916) 229-3070 or vickie.baker@cdfa.ca.gov.

Sincerely,

Kristin J. Macey
Director

cc: Gary Leslie, County/State Liaison, CDFA

Enclosure





November 20, 2013

TO: California Licensed Weighmasters

SUBJECT: **IMPORTANT CHANGES TO THE WEIGHMASTER LAW**

On October 3, 2013, Governor Brown signed into law, Senate Bill 485 – Weighmasters: junk dealers and recyclers. The new law goes into effect on January 1, 2014 and specifically impacts weighmasters that are licensed junk dealers and recyclers. To determine if your business will be impacted by the new law, read these definitions from the California Business and Professions Code (BPC) Division 8, Chapter 9, Article 3. Junk:

21600. As used in this article, “junk” means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets, or other personal property, other than livestock, or parts or portions thereof.

21601. As used in this article, “junk dealer” includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

21605(b). For purposes of this article, “recycler” means any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code, who buys or sells scrap metal that constitutes junk, as defined in Section 21600.

If your business **does not meet** the definitions of a junk dealer or recycler, please disregard the rest of this letter. You may apply for, or renew, your weighmaster license as usual.

If your business **does meet** the definition of a junk dealer or recycler, please continue reading because this new law affects you. In order to comply with the requirements of the new law, you will need to do several things:

License Application/Renewal: Additional Information

Recyclers or junk dealers applying for a new weighmaster license, or a renewal of a current weighmaster license, are required to furnish the following additional information on the weighmaster license application:

1. A copy of the applicant’s current business license;
2. A statement indicating that the applicant has either:
 - i. filed an application for a stormwater permit, or
 - ii. is not required to obtain a stormwater permit;
3. A statement indicating that the applicant has:
 - i. the equipment necessary to comply with the photographic and thumbprinting requirements for the purchase and sale of nonferrous material, as specified in BPC section 21608.5, or
 - ii. a statement indicating that applicant will not be purchasing or selling nonferrous materials and is not required to comply as specified.



License Application/Renewal: Additional Fees

Junk dealers and recyclers are required to submit additional fees for the administration and enforcement of the new law. In addition to the license fees paid by all weighmasters, the following new fees must be submitted by junk dealers and recyclers at the time of license application (or renewal of a current weighmaster license):

1. Five hundred dollars (\$500) if the weighmaster is operating at a fixed location;
2. Five hundred dollars (\$500) for each additional fixed location at which the weighmaster is operating, and;
3. Five hundred dollars (\$500) if the weighmaster is operating at other than a fixed location.

Upon receipt of all required documentation and appropriate fees, the Department of Food and Agriculture's Division of Measurement Standards (CDFA DMS) shall issue a new or renewal weighmaster license to the applicant.

Inspections

The new law requires that junk dealers and recyclers receive an on-site inspection within 90 days after the license is issued (License Issue Date). This physical inspection is to ensure that businesses engaged in buying or selling junk or recycled material have the necessary license and stormwater permit (if required), that photographing and thumbprinting equipment is in good working order, and that all additional information submitted on the license application (or renewal) is accurate, e.g., the make(s) and model(s) of scales, etc.

This inspection will be performed by weights and measures officials working for either the CDFA DMS or a county Department of Agriculture/Weights and Measures.

Noncompliance

It is very important that your license application is filled out completely and correctly. It is also vital that you possess the required business license and stormwater permit (if required). In addition, your photographing and thumbprinting equipment should be kept in good working order. If your business fails the on-site inspection, this new law requires CDFA DMS to begin the necessary steps to revoke your weighmaster license unless you come into compliance within 14 days of notice from the department of a proposed revocation.

If you have any questions, please contact the Division of Measurement Standards Weighmaster Enforcement Program at (916) 229-3000.

Sincerely,



Steven Cook, Chief
Enforcement Branch