Extracts from the
CALIFORNIA CODE OF REGULATIONS
TITLE 4, DIVISION 9

WEIGHTS AND MEASURES FIELD REFERENCE MANUAL (2022)

Chapter 3
Device Inspection
Sections 4070. through 4075

Article 1. Frequency of Inspection
Article 2. Alternatives to Specified Frequency of Inspection
Article 3. Device Administration Fee
DISCLAIMER

This document represents the Division of Measurement Standards’ field manual for enforcing regulations pertaining to weights and measures in California. This field manual is not to be considered as the official Code of Regulations, as published by Barclays Law Publishers.

To find the latest online version of the California Code of Regulations (CCR) Title 4, Division 9, visit the California Office of Administration Law (OAL) at:

http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome

The CCR may also be accessed at http://oal.ca.gov/ by selecting the link Titled “California Code of Regulations” under the list of “Sponsored Links” in the left column on the OAL Home page.

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. Device Inspection §§ 4070. – 4075 ............................................................1

Article 1. Inspection Frequency .................................................................................1
   Section 4070. Inspection Frequencies. .................................................................1

Article 2. Alternatives to the Specified Inspection Frequencies .......................2
   Section 4071. Alternative Inspection Plan Requests. ........................................2
   Section 4072. [Repealed] .....................................................................................3
   Section 4073. Submittal and Approval of an Alternative Plans .........................3
   Section 4074. Approved Alternative Activities Related to Weights and Measures. 4

Article 3. Annual Device Administrative Fee .........................................................4
   Section 4075. Administration. .............................................................................4
Chapter 3. Device Inspection §§ 4070. – 4075.

Article 1. Inspection Frequency

The inspection frequencies for weighing and measuring devices used for commercial and law enforcement purposes, and other devices required by law to be inspected by a sealer, are established in Table 1: Inspection Frequencies (By Device Type). The specified times are maximum times between inspections. More frequent inspections may be conducted if requested by the device user, during a complaint investigation, or on the initiative of a sealer. For purposes of this chapter, the term “inspection” applies to a sealer inspecting, trying, and testing a device for applicable specifications, tolerances, and other technical requirements adopted in Chapter 1 of this division.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Electric Watt-Hour Submeter.</td>
<td></td>
<td>10 years.</td>
</tr>
<tr>
<td>• Hydrocarbon Vapor Submeter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Water Submeter (Domestic Service).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Fabric-/Wire- and Cordage-Measuring Device.</td>
<td>• Automatic Bulk Weighing System for Grain.</td>
<td></td>
</tr>
<tr>
<td>• Grain Moisture Meter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Grease and Lubricant Meter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Hydrogen Gas-Measuring Device.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Liquefied Gas Meters:</td>
<td>• Class III (Other Than Prescription).</td>
<td>Annual.</td>
</tr>
<tr>
<td>• Carbon Dioxide Liquid-Measuring Device (CO₂).</td>
<td>• Computing.</td>
<td></td>
</tr>
<tr>
<td>• Cryogenic Liquid-Measuring Device.</td>
<td>• Counter.</td>
<td></td>
</tr>
<tr>
<td>• Liquefied Petroleum Gas (LPG).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Mass Flow Meters:</td>
<td>• Crane.</td>
<td></td>
</tr>
<tr>
<td>• Compressed Natural Gas Meter (CNG).</td>
<td>• Dormant.</td>
<td></td>
</tr>
<tr>
<td>• Liquefied Natural Gas Meter (LNG).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Table 1: Inspection Frequencies (By Device Type)

<table>
<thead>
<tr>
<th>Submeter/Meter/Measuring Devices</th>
<th>Scales/Weighing Devices</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Odometer.</td>
<td>• Hanging.</td>
<td>Annual</td>
</tr>
<tr>
<td>• Retail Meter.</td>
<td>• Hopper and Tank.</td>
<td></td>
</tr>
<tr>
<td>• Retail Motor Fuel Dispenser.</td>
<td>• Livestock/Animal.</td>
<td></td>
</tr>
<tr>
<td>• Retail Water Meter.</td>
<td>• Meat Beam/Monorail.</td>
<td></td>
</tr>
<tr>
<td>• Tank (Liquid Test).</td>
<td>• Portable Platform.</td>
<td></td>
</tr>
<tr>
<td>• Taximeter.</td>
<td>• Railway Track.</td>
<td></td>
</tr>
<tr>
<td>• Vehicle-Tank Meter.</td>
<td>• Spring.</td>
<td></td>
</tr>
<tr>
<td>• Water Submeter (All Others).</td>
<td>• Vehicle.</td>
<td></td>
</tr>
<tr>
<td>• Wholesale Meter.</td>
<td>• Vehicle On-Board (Forklift).</td>
<td></td>
</tr>
<tr>
<td>• Miscellaneous Measuring Device(^1).</td>
<td>• Miscellaneous Weighing Device(^2).</td>
<td></td>
</tr>
<tr>
<td>• Farm Milk Tank.</td>
<td></td>
<td>Initial, Plus Annual Visual Inspection.</td>
</tr>
<tr>
<td>• Linear Measure (Standard).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Dry Measure (Standard).</td>
<td></td>
<td>Initial Only.</td>
</tr>
<tr>
<td>• Dry, Measured (Tank or Container).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Glass Graduate (Standard).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Liquid Gauged (Tank or Container).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) “Miscellaneous Measuring Device” includes all other commercial measuring device types that are not specified in Table 1.

\(^2\) “Miscellaneous Weighing Device” includes all other commercial weighing device types that are not specified in Table 1.


## Article 2. Alternative to the Specified Inspection Frequencies

A county sealer may submit a written request to the Secretary to implement an alternative inspection plan including inspection frequencies different from those specified in Section 4070, Table 1. For purposes of this article, an alternative inspection plan is referred to as an alternative plan. Upon written approval by the Secretary, a portion of the county sealer's resources shall be made available for other activities related to weights and measures specified in Section 4074. Upon granting such approval, the Secretary will instruct the county sealer to perform such alternative activities related to weights and measures.

Section 4072. [Repealed]


Section 4073. Submittal and Approval of an Alternative Plan.

(a) The written request specified in Section 4071 shall include, but is not limited to:

   (1) A listing of devices formatted similar to Section 4070, Table 1, proposing the alternate inspection frequency for each specified device type. The alternative plan shall stipulate which device types will be inspected on a regular frequency, a variable frequency, or on the basis of a statistical sampling procedure.

   (2) A description of the justification and findings that support the county’s request. This includes, but is not limited to:

       (A) Evidence of satisfactory and continuing accuracy of weighing and measuring devices that may be affected by the alternative plan;

       (B) The alternative activities related to weights and measures that will be performed; and

       (C) A description of the added benefits to consumers and businesses in the county.

(b) Once approved by the Secretary, the county sealer shall submit any reports requested by the Secretary regarding implementation of the alternative plan.

(c) The Secretary’s approval will remain in effect for five years, after which the alternative plan will expire and all device inspection frequencies will revert to those established in Section 4070, Table 1. Alternative plans approved by the Secretary prior to July 1, 2021, will remain in effect until July 1, 2026.

(d) Notwithstanding subsection (c), the Secretary may withdraw, modify, or terminate the alternative plan at any time it is determined that the provisions of this chapter are not being fulfilled by the county sealer.

(e) If an alternative plan expires, requires modification, or has been withdrawn or terminated, a county sealer may submit a new written request in accordance with subsection (a). The Secretary shall evaluate the county’s new request to implement an alternative plan and perform other activities related to weights and measures based upon the county’s current resources and needs.

Section 4074. Approved Alternative Activities Related to Weights and Measures.

(a) The additional resources made available to a county sealer by provision of this article shall be used to implement one or more of the following alternative activities related to weights and measures:

1. Inspection of consumer commodities and packages.
2. Verifying accuracy of retail delivery of weighed, measured and counted commodities.
3. Educational activities related to weights and measures enforcement.
4. Other activities related to weights and measures proposed by the county sealer and approved by the Secretary.

(b) Unless otherwise designated by the Secretary, the county sealer shall apportion the resources needed to implement such alternative activities at the county sealer’s discretion to best accomplish the purpose of this article.


Article 3. Annual Device Administrative Fee

Section 4075. Administration.

(a) Each county office of weights and measures shall:

1. Collect for the Department an annual device administrative fee (administrative fee) as specified in Table A: Annual Device Administrative Fee Schedule (By Device Type) for every weighing, measuring, and counting device registered in that county.
2. Collect administrative fees at the same time it collects its business location and device fees for each device registered in that county.
3. Remit to the Department the administrative fees collected between January 1 and June 30 no later than July 31 of the same year and the administrative fees collected between July 1 and December 31 no later than January 31 of the following calendar year.
4. Include with payment of administrative fees a letter of remittance, on county letterhead, that indicates the payment period, the number of devices in each device fee category, the total administrative fees paid for each category, and the grand total administrative fees paid to the Department.

(b) Each county office of weights and measures may retain up to a maximum of 12% of the total administrative fees collected to recover, but not exceed, its necessary and reasonable costs of assessing, collecting, and remitting administrative fees in accordance with this section.
<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Submeter/Meter/Measuring Devices</th>
<th>Scales/Weighing Devices</th>
<th>Administrative Fee</th>
</tr>
</thead>
</table>
| 1            | • Electric Watt-Hour Submeter.  
• Hydrocarbon Vapor Submeter.  
• Water Submeter (Domestic Service). |             | $0.50.  |
• Fabric-/Wire- and Cordage-Measuring Device.  
• Grain Moisture Meter.  
• Grease and Lubricant Meter.  
• Odometer.  
• Retail Meter.  
• Retail Motor Fuel Dispenser.  
• Retail Water Meter.  
• Tank (Liquid Test).  
• Taximeter.  
• Vehicle-Tank Meter.  
• Wholesale Meter.  
• Miscellaneous Measuring Device¹. | Weighing device with <2,000 pounds capacity. | $2.20.  |
| 3            | • Hydrogen Gas-Measuring Device.  
• Liquefied Gas Meters:  
  − Carbon Dioxide Liquid-Measuring Device (CO2).  
  − Cryogenic Liquid-Measuring Device.  
  − Liquefied Petroleum Gas (LPG).  
• Mass Flow Meters:  
  − Compressed Natural Gas Meter (CNG).  
  − Liquefied Natural Gas Meter (LNG). | Weighing device with ≥2,000 pounds but ≤10,000 pounds capacity. | $16.00.  |
| 4            | | Weighing device with >10,000 pounds capacity. | $24.00.  |

¹ “Miscellaneous Measuring Device” includes all other commercial measuring device types that are not specified in Table A.

Note: Authority cited: Sections 12027, 12107 and 12241, Business and Professions Code.