



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

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

WEIGHTS AND MEASURES FIELD REFERENCE MANUAL (2023)

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



CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

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Chapter 3. Device Inspection §§ 4070. – 4075.

Article 1. Inspection Frequency

Section 4070. Inspection Frequencies.

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 1: Inspection Frequencies (By Device Type)

Submeter/Meter/Measuring Devices.	Scales/Weighing Devices.	Frequency.
<ul style="list-style-type: none"> • Electric Watt-Hour Submeter. • Hydrocarbon Vapor Submeter. • Water Submeter (Domestic Service). 	NA	10 years.
<ul style="list-style-type: none"> • Electric Vehicle Fueling Systems/Electric Vehicle Supply Equipment (EVSE). 	<ul style="list-style-type: none"> • Prescription (Pharmacies). 	2 years.
<ul style="list-style-type: none"> • Fabric-/Wire- and Cordage-Measuring Device. • Grain Moisture Meter. • Grease and Lubricant Meter. • Hydrogen Gas-Measuring Device. 	<ul style="list-style-type: none"> • Automatic Bulk Weighing System for Grain. • Belt Conveyors. • Class I (Other Than Prescription). • Class II (Other Than Prescription). 	Annual
<ul style="list-style-type: none"> • Liquefied Gas Meters: <ul style="list-style-type: none"> • Carbon Dioxide Liquid-Measuring Device (CO₂). • Cryogenic Liquid-Measuring Device. • Liquefied Petroleum Gas (LPG). 	<ul style="list-style-type: none"> • Class III (Other Than Prescription). • Computing. 	Annual
<ul style="list-style-type: none"> • Mass Flow Meters: <ul style="list-style-type: none"> • Compressed Natural Gas Meter (CNG). • Liquefied Natural Gas Meter (LNG). 	<ul style="list-style-type: none"> • Counter. • Crane. • Dormant. 	Annual

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Submeter/Meter/Measuring Devices.	Scales/Weighing Devices.	Frequency.
<ul style="list-style-type: none"> • Odometer. • Retail Meter. • Retail Motor Fuel Dispenser. • Retail Water Meter. • Tank (Liquid Test). • Taximeter. • Vehicle-Tank Meter. • Water Submeter (All Others). • Wholesale Meter. • Miscellaneous Measuring Device¹. • Miscellaneous Weighing Device². 	<ul style="list-style-type: none"> • Hanging. • Hopper and Tank. • Livestock/Animal. • Meat Beam/Monorail. • Portable Platform. • Railway Track. • Spring. • Vehicle. • Vehicle On-Board (Forklift). 	Annual
<ul style="list-style-type: none"> • Farm Milk Tank. • Linear Measure (Standard). 	NA	Initial, Plus Annual Visual Inspection.
<ul style="list-style-type: none"> • Dry Measure (Standard). • Dry, Measured (Tank or Container). • Glass Graduate (Standard). • Liquid Gauged (Tank or Container). 	NA	Initial Only.
<p>¹ "Miscellaneous Measuring Device" includes all other commercial measuring device types that are not specified in Table 1.</p> <p>² "Miscellaneous Weighing Device" includes all other commercial weighing device types that are not specified in Table 1.</p>		

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

Article 2. Alternative to the Specified Inspection Frequencies

Section 4071. Alternative Inspection Plan Requests.

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.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

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Section 4072. [Repealed]

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

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.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Sections 12210 and 12212, Business and Professions Code.

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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.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Sections 12210 and 12212, Business and Professions Code.

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.

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Table A: Annual Device Administrative Fee Schedule (By Device Type)			
Fee Category.	Submeter/Meter/Measuring Devices.	Scales/Weighing Devices.	Administrative Fee.
1	<ul style="list-style-type: none"> • Electric Watt-Hour Submeter. • Hydrocarbon Vapor Submeter. • Water Submeter (Domestic Service). 	NA	\$0.50.
2	<ul style="list-style-type: none"> • Electric Vehicle Fueling Systems/Electric Vehicle Supply Equipment (EVSE). • 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	<ul style="list-style-type: none"> • Hydrogen Gas-Measuring Device. • Liquefied Gas Meters: <ul style="list-style-type: none"> – Carbon Dioxide Liquid-Measuring Device (CO₂). – Cryogenic Liquid-Measuring Device. – Liquefied Petroleum Gas (LPG). • Mass Flow Meters: <ul style="list-style-type: none"> – Compressed Natural Gas Meter (CNG). – Liquefied Natural Gas Meter (LNG). 	Weighing device with ≥2,000 pounds but ≤10,000 pounds capacity.	\$16.00.
4	NA	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.
 Reference: Sections 12107 and 12241, Business and Professions Code.