

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Division of Measurement Standards

Business and Professions Code (BPC) Division 5

2024 Business and Professions Code Revision Index

BPC Division 5

[AB 1304 \(2023\)](#): §§ 12240 and 12246 of the Business and Professions Code are amended to read:

§12240.

(a) Except as otherwise provided in this section, the county board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

(b) Except as otherwise provided in this section, the annual registration fee shall not exceed the amount set forth in subdivisions (f) to (r), inclusive.

(c) The county may collect the fees biennially, in which case they shall not exceed twice the amount of an annual registration fee. The ordinance shall be adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(d) Retail gasoline pump meters, for which the above fees are assessed, shall be inspected as frequently as required by regulation, but not less than once every two years.

(e) Livestock scales, animal scales, and scales used primarily for weighing feed and seed, for which the above fees are assessed, shall be inspected as frequently as required by regulation.

(f) For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, a department administrative fee, as specified in Section 12241, and a device fee, as specified in subdivisions (g) to (r), inclusive. The business location fee and device fee shall not exceed one hundred twenty dollars (\$120) per business location, plus 100 percent of the maximum applicable device fee listed in subdivisions (g) to (r), inclusive.

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(g) (1) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:

(A) For water submeters, six dollars (\$6) per device per space or apartment.

(B) For electric submeters, three dollars (\$3) per device per space or apartment.

(C) For vapor submeters, ten dollars (\$10) per device per space or apartment.

(2) Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

(h) For weighing devices, other than livestock, with capacities of 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars (\$250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred fifty dollars (\$150) per device.

(i) This section does not apply to farm milk tanks.

(j) A scale or device used in a certified farmers' market, as defined by Section 113742 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

(k) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall not exceed one hundred fifty dollars (\$150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred dollars (\$100) per device.

(l) (1) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall not exceed one hundred eighty-five dollars (\$185) per device.

(2) For compressed natural gas (CNG) and liquified natural gas (LNG) meters, truck mounted or stationary, the device fee shall not exceed seventy-five dollars (\$75) per device in 2019, one hundred twenty-five dollars (\$125) per device in 2020, and one hundred eighty-five dollars (\$185) per device beginning in 2021.

(m) For wholesale and vehicle meters, the device fee shall not exceed seventy-five dollars (\$75) per device.

(n) For computing scales and electronic counter scales interfaced with a cash register or any point-of-sale system, the device fee shall not exceed twenty-five dollars (\$25) per device. For purposes of this subdivision, a computing scale or

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interfaced electronic counter scale shall be a weighing device with a capacity of less than 100 pounds that indicates, through its indicator or a point-of-sale system indicator, the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range of the scale. For purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand two hundred dollars (\$1,200) for each business location.

(o) For jewelry and prescription scales and scales marked as, or meeting the design and performance requirements of, a Class II weighing device, the device fee shall not exceed eighty dollars (\$80) per device. For purposes of this subdivision, a jewelry or prescription scale or a scale marked as, or meeting the design and performance requirements of, a Class II weighing device shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the secretary applicable to those devices in accordance with Section 12107.

(p) For weighing devices, other than computing, interfaced electronic counter, jewelry, and prescription scales and scales marked as, or meeting the design and performance requirements of, a Class II weighing device, as defined in subdivisions (n) and (o), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall not exceed fifty dollars (\$50) per device.

(q) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall not exceed sixty dollars (\$60) per device.

(r) This section does not apply to odometers in rental passenger vehicles, as defined in Section 465 of the Vehicle Code, that are subject to Chapter 1.5 (commencing with Section 1939.01) of Title 5 of Part 4 of Division 3 of the Civil Code. If a person files a complaint with the county sealer regarding the accuracy of a rental passenger vehicle odometer, the county sealer may charge a fee to the operator of the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

(s) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving nonpassenger vehicles that are not subject to Chapter 1.5 (commencing with Section 1939.01) of Title 5 of Part 4 of Division 3 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (q) shall not exceed the sum of three hundred forty dollars (\$340) for each business location.

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(t) For all other commercial weighing or measuring devices not listed in subdivisions (g) to (r), inclusive, the device fee shall not exceed twenty-six dollars (\$26) per device. For purposes of this subdivision, the total portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand two hundred dollars (\$1,200), for each business location.

(u) For purposes of this section, a single business location is defined as:

(1) Each business location that uses one or more categories or types of commercial devices as set forth in subdivisions (g) to (p), inclusive, and in subdivision (t), that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(2) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.

(3) (A) For vehicles that are employed in vehicle rental transactions and that are not subject to Chapter 1.5 (commencing with Section 1939.01) of Title 5 of Part 4 of Division 3 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.

(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:

(i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.

(ii) The facility is not operated or staffed by an employee of the vehicle rental company.

(iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.

(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

(Amended by Stats. 2019, Ch. 497, Sec. 16. (AB 991) Effective January 1, 2020. Repealed as of January 1, 2027, pursuant to Section 12246; Amended by Stats.

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2023, Ch. 575, Sec. 1. (AB 1304) Effective January 1, 2024. Repealed as of January 1, 2029, pursuant to Section 12246.)

§ 12246.

This article shall remain in effect only until January 1, 2029, and as of that date is repealed.

(Amended by Stats. 2021, Ch. 525, Sec. 1. (AB 694) Effective January 1, 2022. Repealed as of January 1, 2027, by its own provisions. Note: Repeal affects Article 2.1, commencing with Section 12240; Amended by Stats. 2023, Ch. 575, Sec. 2. (AB 1304) Effective January 1, 2024. Repealed as of January 1, 2029, by its own provisions. Note: Repeal affects Article 2.1, commencing with Section 12240.)

[SB 816 \(2023\)](#): §§ 12703.1, 12704 and 12709 of the Business and Professions Code are amended to read:

§ 12703.1.

(a) In addition to any other requirements for issuance of a license pursuant to this chapter, if the applicant is a recycler or junk dealer as defined in Section 21601, the department shall require the applicant to furnish all of the following information accurately on any application for a new license or the renewal of a license issued pursuant to this chapter:

- (1) A copy of the applicant's current business license.
- (2) A statement indicating that the applicant has either filed an application for a stormwater permit or is not required to obtain a stormwater permit.
- (3) A statement indicating that the applicant has the equipment necessary to comply with the photographic and thumbprinting requirements for the purchase and sale of nonferrous materials pursuant to Section 21608.5 or a statement indicating that the applicant will not be purchasing or selling nonferrous materials and is not required to comply with Section 21608.5.
- (4) A statement indicating that the applicant has requested to receive theft alert notifications pursuant to subdivision (a) of Section 21608.7, unless that requirement does not apply pursuant to subdivision (b) of that section.
- (5) The name or names of any deputy weighmasters.

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- (b) The department shall issue a license to a junk dealer or recycler upon receipt of an application for a new license or renewal of a license that contains the information required by subdivision (a) and that is accompanied by the appropriate fee.
- (c) (1) The department shall make a thorough investigation of all the information contained in the application required by subdivision (a) within 90 days for a new license, and within one calendar year for a renewal of a license.
- (2) Notwithstanding Section 12708, if the department determines that the information submitted pursuant to subdivision (a) is materially inaccurate, the department shall revoke the license issued to a junk dealer or recycler unless the junk dealer or recycler complies with the requirements of subdivision (a) within 14 days of notice from the department of a proposed revocation pursuant to this subdivision.
- (3) A junk dealer or recycler whose license has been revoked pursuant to this subdivision is entitled to a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (d) The secretary may enter into a cooperative agreement with any county sealer to carry out the provisions of this section.
- (e) This section shall not apply to a pawnbroker licensed pursuant to Chapter 3 (commencing with Section 21300) of Division 8 of the Financial Code and a secondhand dealer licensed pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8.
- (f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2028, deletes or extends that date.

(Amended by Stats. 2018, Ch. 392, Sec. 1. (AB 2676) Effective January 1, 2019. Repealed as of January 1, 2024, by its own provisions; Amended by Stats. 2023, Ch. 723, Sec. 33. (SB 816) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions.)

BPC § 12704, effective until January 1, 2028, is amended to read:

§ 12704.

- (a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:
- (1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.

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(2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.

(3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.

(4) Twenty dollars (\$20) for each deputy weighmaster.

(b) In addition to the license fees set forth in subdivision (a), a weighmaster who is a recycler or a junk dealer as defined in Section 21601 or is performing services on behalf of a recycler or junk dealer shall also pay to the department the following license fee for each license year as applicable to the operation:

(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.

(3) Five hundred dollars (\$500) if the weighmaster is operating at other than a fixed location.

(c) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the secretary for expiration of the license, or yearly intervals after the first renewal.

(d) "Location" means a premise on which weighing, measuring, or counting devices are used.

(e) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2028, deletes or extends that date.

(Amended (as amended by Stats. 2013, Ch. 518, Sec. 3) by Stats. 2018, Ch. 392, Sec. 2. (AB 2676) Effective January 1, 2019. Repealed as of January 1, 2024, by its own provisions. See later operative version, as amended by Stats. 2018, Ch. 392; Amended (as amended by Stats. 2018, Ch. 392, Sec. 2) by Stats. 2023, Ch. 723, Sec. 34. (SB 816) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 35 of Stats. 2023, Ch. 723.)

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BPC § 12704, effective on January 1, 2028, is amended to read:

§ 12704.

(a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:

(1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.

(2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.

(3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.

(4) Twenty dollars (\$20) for each deputy weighmaster.

(b) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the secretary for expiration of the license, or yearly intervals after the first renewal.

(c) "Location" means a premise on which weighing, measuring, or counting devices are used.

(d) This section shall become operative on January 1, 2028.

(Amended (as added by Stats. 2013, Ch. 518, Sec. 4) by Stats. 2018, Ch. 392, Sec. 3. (AB 2676) Effective January 1, 2019. Section operative January 1, 2024, by its own provisions; Amended (as amended by Stats. 2018, Ch. 392, Sec. 3) by Stats. 2023, Ch. 723, Sec. 35. (SB 816) Effective January 1, 2024. Operative January 1, 2028, by its own provisions.)

BPC §12709, effective until January 1, 2028, is amended to read:

§ 12709.

(a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter, except as provided in subdivision (b).

(b) License fees collected pursuant to subdivision (b) of Section 12704 shall be deposited in a special account in the Department of Food and Agriculture Fund to be

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expended by the department for the administration and enforcement of Section 12703.1.

(c) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2028, deletes or extends that date.

(Amended (as amended by Stats. 2013, Ch. 518, Sec. 5) by Stats. 2018, Ch. 392, Sec. 4. (AB 2676) Effective January 1, 2019. Repealed as of January 1, 2024, by its own provisions. See later operative version, as amended by Stats. 2018, Ch. 392; Amended (as amended by Stats. 2018, Ch. 392, Sec. 4) by Stats. 2023, Ch. 723, Sec. 36. (SB 816) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 37 of Stats. 2023, Ch. 723.)

BPC § 12709, effective on January 1, 2028, is amended to read:

§ 12709.

(a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

(b) This section shall become operative on January 1, 2028.

(Amended (as added by Stats. 2013, Ch. 518, Sec. 6) by Stats. 2018, Ch. 392, Sec. 5. (AB 2676) Effective January 1, 2019. Section operative January 1, 2024, by its own provisions; Amended (as amended by Stats. 2018, Ch. 392, Sec. 5) by Stats. 2023, Ch. 723, Sec. 37. (SB 816) Effective January 1, 2024. Section operative January 1, 2028, by its own provisions.)

2024 Other New Laws of Interest

GOVERNMENT CODE (GOV) Division 3

[SB 143 \(2023\)](#): § 11133 of the Government Code is repealed by its own provision.

[SB 544 \(2023\)](#): § 11123.2 of the Government Code is added and §§ 11123.5 and 11124 of the Government Code are amended effective January 1, 2024. This bill adds and amends existing requirements to the [Bagley-Keene Open Meeting Act](#) (GOV §§

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11120-11133) to require, among other things, a meeting to be held at a physical location, accessible to the public; it may also be held by teleconference with members and public participating remotely; remote locations need not be accessible to the public or disclosed on the notice and agenda. A member of a state body attending remotely by teleconference must be visible and audible, accept under some circumstances. Any persons may attend and participate in a meeting without having to register their name or complete any documents as a condition of them attending and participating.

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[SB-1495 \(2022\)](#). § 12303 of the Business and Professions Code is amended to read:

§ 12303.

The state standards of weights and measures by which all state and county standards of weights and measures shall be tried, proved, and sealed include the following standards, provided the standards have been certified relative to national standards under the direction of the National Institute of Standards and Technology:

- (a) Metrological standards provided by the United States.
- (b) Metrological standards procured by the state.
- (c) Metrological standards in the possession of county sealers.
- (d) Metrological standards in the possession of laboratories certified to perform measurement services pursuant to Section 12314.

(Repealed Stats. 1981 ch 97 § 1; Added Stats. 1981 ch 97 § 2; Amended Stats. 2017 ch 573 § 50; Amended by Stats. 2022, Ch 511 § 71.)

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[SB 826 \(2021\)](#): §13470.1 of the Business and Professions Code is repealed.

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[AB-694 \(2021\)](#): §§12246 and 12533 of the Business and Professions Code is amended to read:

§ 12246.

This article shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2027, deletes or extends that date.

*(Amended by Stats. 2021, Ch. 525, Sec. 1. (AB 694) Effective January 1, 2022.
Repealed as of January 1, 2027, by its own provisions. Note: Repeal affects Article 2.1, commencing with Section 12240)*

§ 12533.

Before the issuance of its registration or in order to maintain its current registration, a service agency shall do all of the following:

(a) (1) Possess, or have available for use, standards and testing equipment necessary to meet the minimum testing requirements contained in the “Notes” paragraphs of the specific device regulation set forth in Division 9 (commencing with Section 4000) of Title 4 of the California Code of Regulations, for each type of device for which the service agency is providing service.

(2) When applicable, the standards and testing equipment shall meet the specifications and tolerances published in the most current National Institute of Standards and Technology 105 Series Handbooks for Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures.

(b) Ensure that every service agent in its employ has a current service agent license.

(c) Possess a current copy of Division 9 (commencing with Section 4000) of Title 4 of the California Code of Regulations, Field Reference Manual.

(Repealed and added by Stats. 1999, Ch. 364, Sec. 2. Effective January 1, 2021, Stats. 2021, Sec 2.)