

July 19, 2016

DMS NOTICE D – 16 – 05 RETAIN

## **TO:** WEIGHTS AND MEASURES OFFICIALS

## SUBJECT: Registered Service Agencies and Registered Service Agents

The Division of Measurement Standards (DMS) is clarifying when a person is operating as a service agency and as a service agent.

- Any person<sup>1</sup> who accepts compensation for repair of a commercial device in exchange for payment is a service agency<sup>2</sup> and is required be registered as a service agency<sup>3</sup>.
- A person who is employed by a service agency to repair a commercial device is a service agent<sup>4</sup> and is required to be registered as a service agent<sup>5</sup> (by the service agency).
- A person who is working as a service agent must possess a current license<sup>6</sup>.
- A person who is working as a service agent but not registered by any service agency is operating as a service agency, and must obtain both a registration (as a service agency) and a license (as a service agent).

Furthermore, a service agency shall:

- Possess, use, and maintain standards and testing equipment necessary to meet the minimum testing requirements in the "Notes" section of the applicable specific device regulation set forth in Division 9 of Title 4 of the California Code of Regulations (CCR)<sup>7</sup>;
- Assure the standards and test equipment comply with NIST Handbook 105-series specifications<sup>8</sup>;
- Assure the standards are permanently and uniquely identified; and
- Have the current certificate of accuracy for the test equipment and standards provided by the department or other certified laboratory.

If a person is not compensated for repairing commercial devices, then they are exempt from these requirements. However, if a person is compensated for the repair of commercial devices, then they are now a service agency and they are required to register with DMS as a service agency and comply with all applicable codes and regulations.

Sincerely,

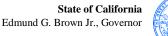
Krishing Many

Kristin J. Macey Director

cc: Gary Leslie, County/State Liaison, CDFA

- <sup>3</sup> BPC <u>§12535</u>
- <sup>4</sup> BPC <u>§12531(b)</u>
- <sup>5</sup> BPC <u>§12535</u>

- <sup>7</sup> BPC <u>§12533</u>
- <sup>8</sup> BPC <u>§12534</u>



<sup>&</sup>lt;sup>1</sup> Business and Professions Code (BPC) <u>§12011</u>

<sup>&</sup>lt;sup>2</sup> BPC <u>§12531(a)</u>

<sup>&</sup>lt;sup>6</sup> BPC <u>§12540</u>