



June 25, 2019

DMS NOTICE
D – 19 – 02
Retain Until Superseded

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Replacement of Hoses and/or Nozzles on Liquid-Measuring Devices

Several major motor fuel retailers have expressed concern recently to the Division of Measurement Standards (DMS) about the need to have a Registered Service Agency/Agent (RSA) replace and repair hoses and/or nozzles connected to commercial motor fuel dispensers, and the subsequent requirement to notify the county office of weights and measures.

The law has not changed since the last DMS Notice was issued on this topic (D-01-4). However, DMS took this opportunity to request a fresh review by legal counsel at the California Department of Food and Agriculture (Department). The Department's answer remains the same, so we use this occasion to reinforce DMS Notice D-01-4.

The replacement and repairing of hoses and/or nozzles connected to motor fuel dispensers is a "repair" and is required to be performed by, or placed into service by an RSA. The RSA must then notify the county sealer of the work performed.

BPC § 12531(f) defines "repair," *in any of its variant forms, means to provide maintenance, or install, adjust, recondition, or service a device.* (*Italics added for emphasis.*) Replacing a hose and/or nozzle is a repair.

BPC § 12500(b) defines "measuring equipment" as, "...any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or *accessory used or connected therewith.*" (*Italics added for emphasis.*) A hose and/or nozzle is an accessory used or connected to a motor fuel dispenser.

BPC § 12515(a) requires persons who have made repairs or adjustments to notify the county sealer within 24 hours. BPC § 12515(b) provides one exclusion of notification, for "an adjustment to a weighing or measuring instrument only for the purpose of maintaining it in a zero or balance condition." This further reinforces that the replacement and repairing of hoses and/or nozzles is a "repair" as defined in BPC § 12531(f).

Another concern raised by industry representatives is that county weights and measures officials are not uniformly enforcing these BPC sections. DMS wishes to emphasize that for equity to occur for the businesses we regulate, these laws, as all laws, must be applied uniformly throughout California.



DMS Notice D-19-02 Replacement of Hoses and/or Nozzles on Liquid-Measuring Devices
June 25, 2019
Page 2

If you have questions, please contact the Device Enforcement Program by email at dms@cdfa.ca.gov or by phone at (916) 229-3000.

Sincerely,



Kristin Macey
Director

cc: Hyrum Eastman, County/State Liaison, CDFA
Samuel Bayless, Regulatory Issues Specialist, California Fuels and Convenience Alliance
Registered Service Agencies – Liquid-Measuring Devices