



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

November 30, 2020

DMS NOTICE
D – 20 – 07
Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

Subject: Weights and Measures Regulatory Authority Over Parking Meters

In addition to DMS Notice D – 20 – 06, the Division of Measurement Standards (DMS) wishes to provide further clarification on California sealers' authority to regulate weighing and measuring devices owned by a city, municipality, or public entity.

There is a code section in Division 5 of the Business and Professions Code (BPC) that expressly *includes* the sealer's authority over public entities:

BPC § 12209.6. (a) A county sealer may test and certify the accuracy of all parking meters located in the county in which the sealer has jurisdiction, including, but not limited to, parking meters owned or operated by a city, county, or a city and county.

The 1977 Attorney General Opinion No. SO 77-13 states, "it is the general rule that the state, its agencies and divisions are not bound by general words limiting the rights and interests of its citizen unless such public authorities be included within the limitation expressly or by necessary implication." Since BPC § 12209.6. is specific to parking meters, authority to regulate may not be extended broadly beyond that context.

If you have questions, please contact the Device Enforcement Program at dms@cdfa.ca.gov.

Sincerely,

Kristin Macey
Director

cc: Hyrum Eastman, County/State Liaison

