



October 22, 2024

DMS NOTICE
D – 24 – 05
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Out-of-County Water Submeter Inspection and Testing

The Division of Measurement Standards (DMS) recently received the following inquiries regarding out-of-county inspection and testing of water submeters:

1. Are water submeters which are tested in one county for the purpose of being installed in another county allowed to be sealed (official paper seal) by the testing county?
2. Is the county in which the meters are intended to be installed allowed to require the testing county to test 100% of the meters (i.e. not allow the testing county to sample test)?

Regarding the first question:

[Business and Professions Code \(BPC\) Section \(§\) 12505](#) states, in part, that “whenever a sealer examines any... instrument used for commercial purposes, and finds it to be correct, he or she shall seal... the... instrument with an appropriate device approved by the department...”

This section is regarding the official paper seals affixed to devices by Sealers.

[BPC § 12500\(c\)](#) defines “correct” to mean “any... instrument that meet all of the tolerance and specification requirements established by the secretary”

BPC § 12500(d) defines “incorrect” more broadly to include “all of the requirements of Section 12107.”

[BPC §§ 12210.3\(a\)](#) and (a)(3) state that “A county sealer who possesses the appropriate equipment to perform tests on water submeters shall inspect, test, and certify to the accuracy of a water submeter... if any of the following circumstances exist:” “The requested service pertains to a water submeter intended to be placed into service in a different county.”





Inspection, testing, and certifying to accuracy are components which contribute to verification that a device is “correct” as defined by BPC § 12500(c). This is further supported by [BPC § 12210.7\(a\)](#) which states “The meter bears a seal that represents the most recent seal of the county in which the water submeter was inspected, in accordance with the provisions of Section 12505.”

To clarify – a county who performs inspection and testing of water submeters and verifies that the meter(s) meet all specifications and tolerances applicable to that device is required to seal the device in accordance with BPC § 12505.

Regarding the second question:

While it is within any county’s authority to request that a different county perform 100% testing of water submeters, [BPC § 12014\(b\)](#) provides the authority that “A sealer may engage in a planned program of probability sampling of devices, using methods approved by the secretary...”

DMS is not aware of any authority that allows any county to require that another county test 100% of the water submeters submitted to that county for inspection and testing.

The purpose of the sampling plan is to allow a county to seal submeters based on statistical sampling of the devices, reducing the time and resources necessary for inspection and testing.

If you have questions, please contact Kevin Schnepf at kevin.schnepf@cdfa.ca.gov or contact the DMS office at (916) 229-3000.

Sincerely,

Kevin Schnepf
Director

cc: Hyrum Eastman, County/State Liaison, CDFA

