

DEPARTMENT OF FOOD AND

A.G. KAWAMURA, Secretary

Division of Measurement Standards
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DMS NOTICE
W -07-1

November 16, 2007

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Weighmasters and Unsealed Devices Pending Repair

Can a Sealer permit a weighmaster to use an unsealed device pending repairs?

The Business and Professions Code, Section 12501.3 allows a Sealer to, "permit the use of an unsealed device pending repairs if the device is in error only to the disadvantage of the user and if the user is always the seller". However, a device used by a weighmaster is often used to determine compensation for several parties other than the device owner or user.

A device used to issue weighmaster certificates must be approved, tested and sealed (Section 12717). Additionally, Section 12718(e) makes it a misdemeanor for any person to knowingly issue a certificate with false weight, measure, or count. Therefore, weighmaster certificates may not be issued using a device that is pending repair; such a device must be marked "out of order" per Section 12506.

If you have any questions, please contact Laurene Chiesa, Supervising Special investigator, Weighmaster Enforcement at (916) 229-3039.

Sincerely,

A handwritten signature in cursive script that reads "Dennis R. Johannes".

Dennis R. Johannes
Director

cc: Kevin Masuhara, Director, County Liaison Office