

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:
Title 04, California Code of Regulations

Adopt sections:
Amend sections: 4085
Repeal sections:

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

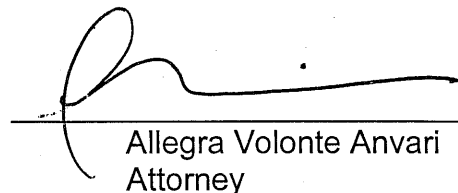
OAL Matter Number: 2024-1216-02

OAL Matter Type: Nonsubstantive (N)

In this change without regulatory effect to California Code of Regulations (CCR) Title 4, Division 9, Section 4085, the Department of Food and Agriculture amends the title of an organization referenced therein, to correlate with the organization's formal name change which was effective July 2024.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: January 14, 2025



Allegra Volonte Anvari
Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Samuel Ferris

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2024-1216-02N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 14 2025
1:43 PM AB

OFFICE OF ADMIN. LAW
2024 DEC 16 @ 4:59pm

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Section 100: NCWM - Formal Name Change	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND 4085		
TITLE(S) 4	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Samuel Ferris	TELEPHONE NUMBER (916) 229-3000	FAX NUMBER (Optional) (916) 229-3055	E-MAIL ADDRESS (Optional) sam.ferris@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 14 2025

Office of Administrative Law

SIGNATURE OF AGENCY HEAD OR DESIGNEE Arima Kozina <small>Digitally signed by Arima Kozina Date: 2024.12.13 09:45:07 -0800</small>	DATE
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TYPED NAME AND TITLE OF SIGNATORY
Arima Kozina, Deputy Secretary

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
Formal Name Change to NCWM
CCR Title 4, Division 9, Chapter 4, Section 4085
December 17, 2024

SECTION 100 - Change Without Regulatory Effect

PROPOSED TEXT OF THE REGULATION

The proposed additions to original text are single underlined,
and proposed deletions are ~~single-strikethrough~~.

Chapter 4. Registration of Service Agencies for Commercial Weighing and Measuring Devices

Section 4085. Responsibility of a Service Agency.

(a) Each service agency shall be responsible for compliance with the following:

(1) Repairing or Placing Devices into Service. -- Each service agency shall place into service, upon installation or following repair, a device in such a manner that it meets all the requirements of Division 5 of the California Business and Professions Code and all the requirements of the California Code of Regulations, Title 4, Division 9. Weighing or measuring devices which are not "correct", as defined by Section 12500(c) of the Business and Professions Code, shall not be placed into service.

(2) Notice to County Sealer of Repairing or Placing of Device into Service by Service Agency. -- Each service agency shall notify the county sealer of the repairing or placing in service of any device. The notice shall be in writing, and transmitted to the county sealer within the 24-hour period following the repair, except as provided by Business and Professions Code Section 12515(b).

The notification shall include the following minimum identifying information;

(i) Name and address of service agency.

(ii) Location of device(s). Name and address, including if available the unique identifier used by the business (e.g., pump or checkstand number).

(iii) Name of service agent.

(iv) Date of adjustment, repair, placing, or replacing into service.

(v) Name of device manufacturer(s).

(vi) Model designation(s) and serial number(s) of the device(s).

(vii) On new installations, the National Institute of Standards and Technology or National ~~Conference~~ Council on Weights and Measures Certificate of Conformance number(s) for each separately approved component or device, if marked on the component or device.

(3) Security Seal. -- Service agents shall replace a security seal on any adjustment mechanism where the seal was required to be removed for service, repair, or installation. Before placing a device into service, service agents shall install a security seal on any adjustment mechanism designed to be sealed.

(4) Identification of Service Agency Work. -- Service agents shall identify their work on each device by applying an adhesive tag or label in a conspicuous location on the device. The adhesive tag or label shall show the name, registration number and business telephone number of the service agency, the license number of the service agent performing the work, and the date. Any security seal required pursuant to Section 12107 of the California Business and Professions Code shall show the registration number of the service agency and the year the security seal was placed on the device.

(5) Certificate of Accuracy of Standards. -- A service agency shall, on request from a sealer, show a copy of the certification of accuracy for the standards used to place a device into service.

Credits

NOTE: Authority cited: Sections 12027 and 12107, Business and Professions Code.
Reference: Sections 12515(a), 12531, 12532(h) and 12533, Business and Professions Code.