

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
Device Administration – Inspections and Fees  
CCR Title 4, Sections 4070 – 4075  
November 13, 2020

**PROPOSED TEXT OF THE REGULATION**

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

**Chapter 3. Device Inspection**

**Article 1. ~~Frequency of Inspection~~ Inspection Frequencies**

**Section 4070. ~~Frequency of Inspection~~ Inspection Frequencies.**

The ~~frequency of inspection~~ frequencies for weighing and measuring devices used for commercial and law enforcement purposes, and other devices required by law to be inspected by a sealer, ~~is~~ are established as in Table 1. Inspection Frequencies. The specified times are maximum times between inspections ~~tests~~. More frequent inspections ~~tests~~ may be conducted if requested by the device user, ~~in~~ during a complaint investigation, or on the initiative of a sealer, ~~a weights and measures official~~. ~~The definitions of specific device classifications are as in Subchapter 1.~~ For purposes of this chapter, unless otherwise specified in Table 1. Inspection Frequencies, the term “inspection” applies to a sealer inspecting, trying, and testing a device for applicable specifications, tolerances, and other technical requirements adopted in Chapter 1 of this division.

**TABLE 1. FREQUENCY OF INSPECTION**

DEVICE	DEFINITION		INSPECTION FREQUENCY		
	Subchapter	Article	Initial Only	Annual	Other
<b>MEASURES</b>					
Dry	1	19	X		
Glass Graduates	1	18	X		
Linear	1	23			Original Plus Annual Visual
Liquid	1	14		X	
<b>MEASURING DEVICES</b>					
Cryogenic	1	10		X	
Electric Watt-Hour	1	28			10 Years
Fabric	1	21		X	
Lubricant	1	6		X	
Hydrocarbon Vapor	1	9			10 Years
LPG Liquid	1	8		X	
Moisture	1	27		X	
Odometers	1	24		X	
Retail Meters	1	6		X	
Taximeters	1	25		X	
Vehicle Tank Meters	1	7		X	
Water (Domestic Service)	1	11			10 years
Water (All Other)	1	11		X	
Wholesale Meters	1	6		X	
Wire and Cordage	1	22		X	
<b>SCALES</b>					
Animal	1	3		X	
Automatic Bulk Weighing System for Grain	1	29		X	
Belt Conveyors	1	4		X	
Computing	1	3		X	
Counter	1	3		X	
Crane	1	3		X	
Dormant	1	3		X	
Hopper and Tank	1	3		X	
Livestock	1	3		X	
Meat Beam, Stockyard	1	3		X	
Monorail	1	3		X	
Portable Platform	1	3		X	
Prescription	1	3			2 Years
Railway Track	1	3		X	
Spring	1	3		X	
Vehicle	1	3		X	
<b>TANKS OR COMPARTMENTS</b>					
Liquid Gauged	1	12	X		
Dry, Measured	1	12	X		
Farm Milk Tanks	1	16			Original Plus Annual Visual

**Table 1. Inspection Frequencies.  
(By Device Type).**

<b><u>Submeter/Meter/Measuring Devices.</u></b>	<b><u>Scales/Weighing Devices.</u></b>	<b><u>Frequency.</u></b>
<ul style="list-style-type: none"> <li>• <u>Electric Watt-Hour Submeter.</u></li> <li>• <u>Hydrocarbon Vapor Submeter.</u></li> <li>• <u>Water Submeter (Domestic Service).</u></li> </ul>		<u>10 years.</u>
<ul style="list-style-type: none"> <li>• <u>Electric Vehicle Fueling Systems/Electric Vehicle Supply Equipment (EVSE).</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Prescription (Pharmacies).</u></li> </ul>	<u>2 years.</u>
<ul style="list-style-type: none"> <li>• <u>Fabric-/Wire- and Cordage-Measuring Device.</u></li> <li>• <u>Grain Moisture Meter.</u></li> <li>• <u>Grease and Lubricant Meter.</u></li> <li>• <u>Hydrogen Gas-Measuring Device.</u></li> <li>• <u>Liquid Measure (Standard).</u></li> <li>• <u>Liquefied Gas Meters:</u> <ul style="list-style-type: none"> <li>○ <u>Carbon Dioxide Liquid-Measuring Device (CO<sub>2</sub>).</u></li> <li>○ <u>Cryogenic Liquid-Measuring Device.</u></li> <li>○ <u>Liquefied Petroleum Gas (LPG).</u></li> </ul> </li> <li>• <u>Mass Flow Meters:</u> <ul style="list-style-type: none"> <li>○ <u>Compressed Natural Gas Meter (CNG).</u></li> <li>○ <u>Liquefied Natural Gas Meter (LNG).</u></li> </ul> </li> <li>• <u>Odometer.</u></li> <li>• <u>Retail Meter.</u></li> <li>• <u>Retail Motor Fuel Dispenser.</u></li> <li>• <u>Retail Water Meter.</u></li> <li>• <u>Tank (Liquid Test).</u></li> <li>• <u>Taximeter.</u></li> <li>• <u>Vehicle-Tank Meter.</u></li> <li>• <u>Water Submeter (All Others).</u></li> <li>• <u>Wholesale Meter.</u></li> <li>• <u>Miscellaneous Measuring Device<sup>1</sup>.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Automatic Bulk Weighing System for Grain.</u></li> <li>• <u>Belt Conveyors.</u></li> <li>• <u>Class I (Other Than Prescription).</u></li> <li>• <u>Class II (Other Than Prescription).</u></li> <li>• <u>Class III (Other Than Prescription).</u></li> <li>• <u>Computing.</u></li> <li>• <u>Counter.</u></li> <li>• <u>Crane.</u></li> <li>• <u>Dormant.</u></li> <li>• <u>Hopper and Tank.</u></li> <li>• <u>Hanging.</u></li> <li>• <u>Livestock/Animal.</u></li> <li>• <u>Meat Beam/Monorail.</u></li> <li>• <u>Portable Platform.</u></li> <li>• <u>Railway Track.</u></li> <li>• <u>Spring.</u></li> <li>• <u>Vehicle.</u></li> <li>• <u>Vehicle On-Board (Forklift).</u></li> <li>• <u>Miscellaneous Weighing Device<sup>2</sup>.</u></li> </ul>	<u>Annual.</u>
<ul style="list-style-type: none"> <li>• <u>Linear Measure (Standard).</u></li> <li>• <u>Farm Milk Tank.</u></li> </ul>		<u>Initial, Plus Annual Visual Inspection.</u>

<ul style="list-style-type: none"> <li>• <u>Dry Measure (Standard).</u></li> <li>• <u>Dry, Measured (Tank or Container).</u></li> <li>• <u>Glass Graduate (Standard).</u></li> <li>• <u>Liquid Gauged (Tank or Container).</u></li> </ul>		<u>Initial Only.</u>
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<sup>1</sup> "Miscellaneous Measuring Device" includes all other commercial measuring device types that are not specified in Table 1.

<sup>2</sup> "Miscellaneous Weighing Device" includes all other commercial weighing device types that are not specified in Table 1.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code.

Reference: Sections 12008 and 12212, Business and Professions Code.

## **Article 2. Alternatives to the Specified Frequency of Inspection Frequencies**

### **Section 4071. Purpose of Article.**

~~This article authorizes county sealers or directors of weights and measures, upon approval of the Director, to use plans for inspection of weighing and measuring devices other than those stated in Article 1 of this chapter. A portion of the sealer's resources will thus be made available for other weights and measures enforcement work which the Director finds to be necessary.~~

~~Upon granting such approval, the Director will instruct the sealer or director to perform such alternative work.~~

This article authorizes a county sealer to submit a written request to the secretary to implement an alternative inspection plan that is distinct from the one specified in Article 1 of this chapter. For purposes of this article, an alternative inspection plan is referred to as an alternative plan. Upon written approval by the secretary, a portion of the county sealer's resources shall be made available for other activities related to weights and measures specified in Section 4074 of this article. Upon granting such approval, the secretary will instruct the county sealer to perform such alternative activities related to weights and measures.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code.

Reference: Section 12212, Business and Professions Code.

### **Section 4072. Findings for an Alternative Plan.**

~~The Director finds (1) that the minimum frequency of inspection required by Article 1 should be modified in some counties because of evidence of satisfactory and continuing~~

~~accuracy of certain weighing and measuring devices; (2) there is an increasing need to perform additional end result type inspections; and (3) that the performance of other enforcement work will assist the sealer in providing to consumers and commerce the services and protection required to be provided by the Business and Professions Code.~~

The secretary finds that:

(a) The inspection frequency intervals established in Table 1. Inspection Frequencies, of Article 1, may be modified in some counties when there is evidence of satisfactory and continuing accuracy of certain weighing and measuring devices; and

(b) Performing other activities related to weights and measures as required by Division 5 of the Business and Professions Code in lieu of inspecting certain devices with demonstrated continuing accuracy in accordance with Table 1. Inspection Frequencies, of Article 1, creates efficiencies and cost savings for a county.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code.  
Reference: Sections 12103.5, 12210, 12211 and 12212, Business and Professions Code.

### **Section 4073. Submittal and Approval of an Alternative County Plans.**

~~County plans will be approved in writing by the Director upon request and compliance with adequate requirements.~~

(a) The written request specified in Section 4071 of this article shall include but is not limited to:

(1) A listing of devices formatted similar to Table 1. Inspection Frequencies, of Article 1, proposing the alternate inspection frequency for each specified device type. The alternative plan shall stipulate which device types will be inspected on a regular frequency, a variable frequency, or on the basis of a statistical sampling procedure.

(2) A description of the justification and findings that support the county's request. This includes, but is not limited to:

(i) evidence of satisfactory and continuing accuracy of weighing and measuring devices that may be affected by the alternative plan;

(ii) the alternative activities related to weights and measures that will be performed; and

(iii) a description of the added benefits to consumers and businesses in the county.

(b) Once approved by the secretary, the county sealer shall submit any reports requested by the secretary regarding implementation of the alternative plan.

(c) The secretary's approval will remain in effect for five years, after which the approval for implementing the alternative plan and performing other activities related to weights and measures will expire and revert to the inspection frequencies established in Table 1. Inspection Frequencies, of Article 1. Alternative plans approved by the secretary prior to July 1, 2021 will remain in effect until July 1, 2026; after which time, a new approved alternative plan will be required.

(d) Notwithstanding subdivision (c) of this section, the secretary may withdraw, modify, or terminate the alternative plan at any time it is determined that the provisions of this chapter are not being fulfilled by the county sealer.

(e) In the event an alternative plan has expired, requires modification, or has been withdrawn or terminated, a county sealer may submit a new written request in accordance with subdivision (a) of this section. The secretary shall evaluate the county's new request to implement an alternative plan and perform other activities related to weights and measures based upon the county's current resources and needs.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code.  
Reference: Sections 12103.5, 12210, 12211 and 12212, Business and Professions Code.

**Section 4074. Instructions to Sealers Approved Alternative Activities Related to Weights and Measures.**

~~(a) Frequency of Inspection. The county sealer or director of each county desiring to participate in this program shall prepare a plan of inspection for devices and submit it to the Director for approval. The plan shall provide that all commercial devices shall be tested either on a regular frequency, a variable frequency, or on the basis of a statistical sampling procedure. The sealer shall initiate variable frequency or statistical sampling plans upon approval of the Director and submit to the Director such reports as he may require concerning the operation of the plan and the level of consumer protection provided. The Director may withdraw his approval and require modification or termination of the plan when he determines it is necessary for the purpose of this chapter.~~

~~(b) Alternative Programs.~~

~~(1) The additional resources made available to the sealers shall be used in the following weights and measures programs:~~

~~(A) Consumer commodities and package inspection.~~

~~(B) Accuracy of retail delivery of weighed, measured and counted commodities.~~

~~(C) Educational activities related to weights and measures enforcement.~~

~~(2) Unless otherwise designated by the Director, the sealer shall apportion the resources used in such alternative programs in his discretion to best accomplish the purpose of this chapter.~~

(a) The additional resources made available to a county sealer by provision of this article shall be used to implement one or more of the following alternative activities related to weights and measures:

(1) Inspection of consumer commodities and packages.

(2) Accuracy of retail delivery of weighed, measured and counted commodities.

(3) Educational activities related to weights and measures enforcement.

(4) Other activities related to weights and measures proposed by the county sealer and approved by the secretary.

(b) Unless otherwise designated by the secretary, the county sealer shall apportion the resources needed to implement such alternative activities at the county sealer's discretion to best accomplish the purpose of this article.

Note: Authority cited: Sections 12027 and 12212, Business and Professions Code.  
Reference: Sections 12103.5, 12210, 12211 and 12212, Business and Professions Code.

### **Article 3. Annual Device Administrative Fee**

#### **Section 4075. Administration.**

~~The annual administrative fee for every commercial weighing, measuring, and counting device registered in California to be collected by each county office of weights and measures for the recovery of the Department's cost associated with providing supervision and oversight of county sealers performing the duties described in Business and Professions Code Sections 12210 shall be collected as follows:~~

~~(a) Each county office of weights and measures shall collect for the Department an administrative fee as specified in the Table A for every commercial device registered within their county.~~

~~(b) The administrative fee shall be collected by each county at the same time as the location and device registration fee by the county office of weights and measures from those businesses registering commercial devices in that county.~~

~~(c) The administrative fee shall be paid to the Department of Food and Agriculture Fund for every commercial device registered in the county beginning January 1, 2012 and annually thereafter. The administrative fee shall be paid to the Department for device registration fees collected between January 1, 2012 and March 31, 2012, no later than April 30, 2012; fees collected between April 1, 2012 and June 30, 2012, no later than July 31, 2012; fees collected between July 1, 2012 and September 30, 2012, no later than October 31, 2012; fees collected between October 1, 2012 and December 31, 2012, no later than January 31, 2013. Thereafter fees collected between January 1 and June 30 shall be paid to the Department no later than July 31 of the same year and for device registration fees collected between July 1 and December 31 no later than January 31 of the following year.~~

~~(d) The administrative fee shall be accompanied by a letter of remittance, on county letterhead, that indicates the number of commercial devices in each device fee registration category, the total administrative fee paid for each category, the registration period, and the grand total administrative fee paid to the Department.~~

~~(e) County offices of weights and measures may retain the administrative fees collected from those business locations subject to the maximum annual registration fee set forth in Subsection (n) of Section 12240 of the Business and Professions Code and may retain up to 15% of all other administrative fees collected in accordance with this section.~~

(a) Each county office of weights and measures shall:

(1) Collect for the Department an annual device administrative fee (administrative fee) as specified in Table A. Annual Device Administrative Fee Schedule for every weighing, measuring, and counting device registered in that county.

(2) Collect administrative fees at the same time it collects its business location and device fees for each device registered in that county.

(3) Remit administrative fees to the Department no later than July 31 for fees collected between January 1 and June 30 and no later than January 31 of the following year for fees collected between July 1 and December 31.

(4) Accompany payment of administrative fees with a letter of remittance, on county letterhead, that indicates the payment period, as established in subdivision (c) of this section, the number of devices in each device fee category, the total



administrative fees paid for each category, and the grand total administrative fees paid to the Department.

(b) Each county office of weights and measures may retain up to a maximum of 12% of the total administrative fees collected to recover, but not exceed, its necessary and reasonable costs of assessing, collecting, and remitting administrative fees in accordance with this section.

(c) The Department shall:

(1) Deposit the administrative fees into the Department of Food and Agriculture Fund.

(2) Use the administrative fees to recover costs associated with performing the duties described in Business and Professions Code Section 12241.

Table A	
<i>Commercial Device Type</i>	<i>Fees</i>
<del>Electric Sub-meter</del>	<del>\$0.10</del>
<del>Vapor Sub-meter</del>	
<del>Water Sub-meter</del>	
<del>CNG Meter</del>	<del>\$1.10</del>
<del>Fabric, Cordage, Wire Meter</del>	
<del>Grease and Lube Meter</del>	

<del>Odometer</del>	
<del>Retail Motor Fuel Dispenser</del>	
<del>Retail Meter</del>	
<del>Retail Water Meter</del>	
<del>Tank (Liquid Test)</del>	
<del>Taximeter</del>	
<del>Vehicle Meter</del>	
<del>Wholesale Meter</del>	
<del>Miscellaneous Measuring Device</del>	
<del>Scales less than 2,000 pounds capacity</del>	
<hr/>	
<del>Liquefied Gas Meter</del>	<del>\$8.00</del>
<del>Scales 2,000 pounds to 10,000 pounds capacity</del>	
<hr/>	
<del>Scales greater than 10,000 pounds capacity</del>	<del>\$12.00</del>

**Table A. Annual Device Administrative Fee Schedule.  
(By Device Type).**

<u>Fee Category.</u>	<u>Submeter/Meter/Measuring Devices.</u>	<u>Scales/Weighing Devices.</u>	<u>Administrative Fee.</u>
<u>1</u>	<ul style="list-style-type: none"> <li>• <u>Electric Watt-Hour Submeter.</u></li> <li>• <u>Hydrocarbon Vapor Submeter.</u></li> <li>• <u>Water Submeter (Domestic Service).</u></li> </ul>		<u>\$0.50.</u>
<u>2</u>	<ul style="list-style-type: none"> <li>• <u>Electric Vehicle Fueling Systems/Electric Vehicle Supply Equipment (EVSE).</u></li> <li>• <u>Fabric-/Wire- and Cordage-Measuring Device.</u></li> <li>• <u>Grain Moisture Meter.</u></li> <li>• <u>Grease and Lubricant Meter.</u></li> <li>• <u>Odometer.</u></li> <li>• <u>Retail Meter.</u></li> <li>• <u>Retail Motor Fuel Dispenser.</u></li> <li>• <u>Retail Water Meter.</u></li> <li>• <u>Tank (Liquid Test).</u></li> <li>• <u>Taximeter.</u></li> <li>• <u>Vehicle-Tank Meter.</u></li> <li>• <u>Wholesale Meter.</u></li> <li>• <u>Miscellaneous Measuring Device<sup>1</sup>.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Weighing device with &lt;2,000 pounds capacity.</u></li> </ul>	<u>\$2.20.</u>
<u>3</u>	<ul style="list-style-type: none"> <li>• <u>Hydrogen Gas-Measuring Device.</u></li> <li>• <u>Liquefied Gas Meters:</u> <ul style="list-style-type: none"> <li>○ <u>Carbon Dioxide Liquid-Measuring Device (CO<sub>2</sub>).</u></li> <li>○ <u>Cryogenic Liquid-Measuring Device.</u></li> <li>○ <u>Liquefied Petroleum Gas (LPG).</u></li> </ul> </li> <li>• <u>Mass Flow Meters:</u> <ul style="list-style-type: none"> <li>○ <u>Compressed Natural Gas Meter (CNG).</u></li> <li>○ <u>Liquefied Natural Gas Meter (LNG).</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Weighing device with ≥2,000 pounds but ≤10,000 pounds capacity.</u></li> </ul>	<u>\$16.00.</u>

<u>4</u>		<ul style="list-style-type: none"> <li>• <u>Weighing device with &gt;10,000 pounds capacity.</u></li> </ul>	<u>\$24.00.</u>
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<sup>1</sup> "Miscellaneous Measuring Device" includes all other commercial measuring device types that are not specified in Table A.

Note: Authority cited: Sections 12027, 12107 and 12241, Business and Professions Code. Reference: Sections 12107 and 12241, Business and Professions Code.