

**Division of Measurement Standards
Department of Food and Agriculture**

**FIELD REFERENCE MANUAL
2014**

**California Code of Regulation
Title 4, Division 9**

**Chapter 3
Device Inspection**

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Article 3. Device Administration Fee



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS**

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NOTE: Language in Handbook 44 that is not adopted is annotated “[NOT ADOPTED]” in this document.

NOTE: Requirements are different than, or in addition to, the requirements of Handbook 44 are included in the appropriate section this document. They are shaded, bordered, and numbered in the 4002 series to differentiate them from the Handbook 44 requirements.

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Chapter 3. Device Inspection

Article 1. Frequency of Inspection

4070. Frequency of Inspection. The frequency of inspection for weighing and measuring devices used for commercial and law enforcement purposes is established as in Table 1. The specified times are maximum times between tests. More frequent tests may be conducted if requested by the device user in a complaint investigation or on the initiative of a weights and measures official. The definitions of specific device classifications are as in Chapter 1.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

TABLE 1. FREQUENCY OF INSPECTION

DEVICE	Article	Section	INSPECTION FREQUENCY		
			Initial Only	Annual	Other
MEASURES					
Dry	1	4.45	X		
Glass Graduates	1	4.44	X		
Linear	1	5.52			Original Plus Annual Visual
Liquid	1	4.41		X	
MEASURING DEVICES					
Cryogenic	1	3.34		X	
Electric Watt-Hour	2.2				10 Years
Fabric	1	5.50		X	
Lubricant	1	3.30		X	
Hydrocarbon Vapor	1	3.33			10 Years
LPG Liquid	1	3.32		X	
Moisture	1	5.56		X	
Odometers	1	5.53		X	
Retail Meters	1	3.30		X	
Taximeters	1	5.54		X	
Vehicle Tank Meters	1	3.31		X	
Water (Domestic Service)	1	3.36			10 Years
Water (All Other)	1	3.36		X	
Wholesale Meters	1	3.30		X	
Wire and Cordage	1	5.51		X	
SCALES					
Animal	1	2.20		X	
Automatic Bulk Weighing System for Grain	1	2.22		X	
Belt Conveyors	1	2.21		X	
Computing	1	2.20		X	
Counter	1	2.20		X	
Crane	1	2.20		X	
Dormant	1	2.20		X	
Hopper and Tank	1	2.20		X	
Livestock	1	2.20		X	
Meat Beam, Steelyard	1	2.20		X	
Monorail	1	2.20		X	
Portable Platform	1	2.20		X	
Prescription	1	2.20			2 Years
Railway Track	1	2.20		X	
Spring	1	2.20		X	
Vehicle	1	2.20		X	
TANKS OR COMPARTMENTS					
Liquid Gauged	1	4.40	X		
Dry, Measured	1	4.40	X		
Farm Milk Tanks	1	4.42			Original Plus Annual Visual

Article 2. Alternatives to Specified Frequency of Inspection

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.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4072. Findings. 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.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4073. Approval of County Plans. County plans will be approved in writing by the Director upon request and compliance with adequate requirements.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

4074. Instructions to Sealers.

(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 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.

NOTE: Authority cited: Sections 12027 and 12212, Business and Professions Code. Reference: Section 12212, Business and Professions Code.

Article 3. Annual Device Administrative Fee

4075. Annual Device Administrative Fee. 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

Table A

Commercial Device Type	Fees
Electric Sub-meter Vapor Sub-meter Water Sub-meter	\$0.10
CNG Meter Fabric, Cordage, Wire Meter Grease and Lube Meter Odometer Retail Motor Fuel Dispenser Retail Meter Retail Water Meter Tank (Liquid Test) Taximeter Vehicle Meter Wholesale Meter Miscellaneous Measuring Device Scales less than 2,000 pounds capacity	\$1.10
Liquefied Gas Meter Scales 2,000 pounds to 10,000 pounds capacity	\$8.00
Scales greater than 10,000 pounds capacity	\$12.00

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