

**Division of Measurement Standards
Business and Professions Code
Revision Index**

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Extracts from the
BUSINESS AND PROFESSIONS CODE
of California

PERTAINING TO
WEIGHTS AND MEASURES
AND PETROLEUM PRODUCTS

JANUARY 2013



CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS

Jerry Brown, Governor

(Rev. 1/13)

WEIGHTS AND MEASURES

BUSINESS AND PROFESSIONS CODE

DIVISION 5

Weights and Measures

[Added by Stats 1939 ch 43 § 1.]

Chapter

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WEIGHTS AND MEASURES

GENERAL PROVISIONS

CHAPTER 1

General Provisions

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§ 12011.5. “COPIES”, “STANDARDS”, “COPIES OF STANDARD WEIGHTS AND MEASURES”

Wherever in this division the terms “copies” or “standards” or “copies of the standard weights and measures” are used, such terms shall refer to the original standards in the possession of the department or to true and accurate copies derived therefrom.

Added Stats 1939 ch 992 § 2.

§ 12011.6. “CONTAINER”

“Container” means any receptacle or carton, whether lidded or unlidded, into which a commodity is packed or placed, or any wrappings with or into which any commodity is wrapped or put for sale.

Added Stats 1949 ch 1384 § 1.

§ 12011.7. “PALLET”

“Pallet” means any portable platform upon which containers or material is placed to facilitate handling.

Added Stats 1961 ch 344 § 1, effective May 13, 1961.

§ 12012. EXERCISE OF SECRETARY’S POWERS THROUGH STATE SEALER OR OTHERWISE

The secretary may exercise any power conferred upon the department or upon the State Sealer by this division through the State Sealer or otherwise.

Added Stats 1939 ch 43 § 1. Amended Stats 2012 ch 661 § 18.

§ 12012.1. ACTION BY SECRETARY OR COUNTY SEALER TO ENJOIN VIOLATIONS OR THREATENED VIOLATIONS OF PROVISIONS OR REGULATIONS

The secretary may bring an action to enjoin the violation, or the threatened violation, of any provision of this division, or of any regulation adopted pursuant thereto, in the superior court in the county in which such violation occurs or is about to occur. There may be joined in one proceeding any number of defendants alleged to be violating the same provisions or regulations, although their properties, interests, residence, or place of business, may be in several counties and the violations separate and distinct. Any

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proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The county sealer of any county acting through the district attorney or county counsel of that county may bring an action to enjoin the violation in such county or the threatened violation in such county of any provision of this division or of any regulation adopted pursuant thereto in the same manner as may the secretary, and if the secretary joins as a party plaintiff, such actions shall not be limited to violations occurring within the county.

Added Stats 1973 ch 977 § 1. Amended Stats 2012 ch 661 § 19.

§ 12013. SEALERS AS HAVING POWERS OF PUBLIC OFFICER TO ARREST: PROCEDURE TO BE FOLLOWED: LIABILITY: SERVICE OF PROCESSES AND NOTICES

(a) Any sealer shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this division, the violation of which is declared to be a public offense.

In any case in which an arrest is made pursuant to this authority for an offense declared to be a misdemeanor or an infraction, the arresting officer may, instead of taking the person arrested before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code, unless the arrested person demands to be taken before a magistrate. The provisions of such chapter shall thereafter apply with respect to any proceeding based upon the issuance of a citation pursuant to this authority.

This subdivision shall not be interpreted to prevent further restriction by the board of supervisors of a county of the authority of a county sealer or his deputies to make arrests.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any sealer may serve all processes and notices throughout the state; provided, that county sealers and their deputies are authorized to serve processes and notices only within the boundaries of the county which employs them.

Added Stats 1968 ch 1222 § 29; Amended Stats 1979 ch 527 § 2.

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(f) Whenever any retail cuts of meat are sold in a variety pack the retailer shall furnish, at the time of sale, an itemization of the total net weight of each of the various retail cuts sold and the total net weight of the entire meat purchase, and a separate itemization shall be furnished for frozen food products other than meat indicating price and weight of each product.

(g) Whenever freezer meat is sold directly to the consumer, the consumer shall be supplied at the time of sale with the weight of the carcass or primal cuts before cutting and a complete and accurate inventory which shall contain the net weight of meat delivered. The consumer shall also be supplied with complete cutting instructions for each cut of meat process and an exact inventory of each such cut. The consumer shall also be furnished with the total weight of ground meat from carcass or primal cuts.

(h) A half of beef shall consist of a forequarter and a hindquarter from the same animal. When beef is sold as a half of beef, the consumer shall be furnished an invoice listing the weight of each such quarter. Not more than 8 percent tolerance differential shall be allowed.

(i) Whenever the consumer buys freezer meats or variety packs, the entire order shall be delivered to the consumer or held and maintained in storage and available for such consumer.

Added Stats 1975 ch 454 § 1.

§ 12024.10. RETENTION OF DOCUMENT STATING WEIGHT AND CUT OF MEAT SOLD

A true and legible copy of each document issued pursuant to Section 12024.7 or 12024.9 shall be retained by the person, company, or corporation issuing the document for a period of one year and shall be made available for inspection by a sealer upon request. This section shall not apply to primal cuts of meat which are smaller than one quarter of a carcass.

Added Stats 1981 ch 758 § 1.

§ 12024.11. REGULATION OF THE SALE OR ADVERTISEMENT OF WOOD FUEL

The secretary shall adopt necessary rules and regulations pertaining to the sale or advertisement of wood for fuel purposes in order to standardize quantities of measurement and to protect against deceptive marketing practices.

Added Stats 1982 ch 758 § 1. Amended Stats 2012 ch 661 § 20.

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§ 12026. VIOLATION OF PROVISIONS: MISDEMEANOR

(a) Except as otherwise specifically provided, any person violating any of the provisions of this division is guilty of a misdemeanor.

(b) It is unlawful for any person to violate any of the rules, regulations, tolerances, specifications, or standards adopted under the provisions of this division.

Added Stats 1939 ch 43 § 1; Amended Stats 1989 ch 818 § 1.

§ 12026.5. REMEDIES AND PENALTIES PROVIDED AS NONEXCLUSIVE

Except as otherwise specifically provided, the remedies or penalties provided by this division are cumulative to each other and to the remedies or penalties available under all other laws of this state.

Added Stats 1979 ch 527 § 5.

§ 12027. RULES AND REGULATIONS AUTHORIZED

The secretary may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this division.

Amended Stats 1957 ch 1749 § 28. Amended Stats 2012 ch 661 § 21.

§ 12028. ADOPTION OF REGULATIONS

Added Stats 1994 ch 592 § 4; Amended Stats 2004 ch 676 § 8. Repealed Stats 2005 ch 529 § 3.

§ 12029. LEGISLATIVE ANALYST STUDY OF CIVIL PENALTIES

The Legislative Analyst shall conduct a study of the civil penalties imposed pursuant to Section 12015.3 and report its findings to the Legislature and the Governor by January 1, 2000. The report shall include all of the following:

(a) An analysis of whether civil penalties are effective as an alternative enforcement mechanism for violations of weights and measures laws and regulations.

(b) A review of how the department and the counties use the revenue brought in from the civil penalties.

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CHAPTER 2

Administration

Article

1. State Administration. §§ 12100-12108
2. Local Administration. §§ 12200-12217
- 2.1. Fees and Charges. §§ 12240-12246

ARTICLE 1

State Administration

- § 12100. General supervision by Department of Food and Agriculture
- § 12101. Investigations
- § 12102. Annual and biennial reports and recommendations
- § 12103. Records: Keeping: Open to public
- § 12103.5. Who to enforce division
- § 12104. Instructions and recommendations to county sealers: Local administration cost analysis
- § 12104.5. Funds allocated for local administration and enforcement
- § 12105. Inspections of local sealers and of weighing and measuring devices
- § 12106. Tests of scales, weights, and measures in state institutions: Reports
- § 12106.5. Recognition of another state's testing and sealing
- § 12107. Establishment of tolerances and specifications for commercial weighing and measuring apparatus: Procedure: Prohibition against violation of regulations, etc.
- § 12107.1. Establishment of commodity standards, weights, measures and counts: Procedure: Unlawful sales
- § 12107.5. [Repealed]
- § 12107.6. Establishment and use of tare weights for trucks or tractors: Fees: Enforcement
- § 12108. Arrangement for services of sealer employed in County: Compensation and expenses

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§ 12104. INSTRUCTIONS AND RECOMMENDATIONS TO COUNTY SEALERS: LOCAL ADMINISTRATION COST ANALYSIS

(a) The department shall issue instructions and make recommendations to the county sealers, and the instructions and recommendations shall govern the procedure to be followed by these officers in the discharge of their duties.

(b) Instructions and recommendations which are made to ensure statewide weights and measures protection shall include a local administration cost analysis utilizing data provided by the county sealer. The cost analysis shall identify the joint programs or activities for which funds necessary to maintain adequate county administration and enforcement have not been provided. The secretary shall develop, jointly with the county sealers, county priorities for the enforcement programs and activities of the secretary.

(c) The secretary shall, upon request, report to the Legislature his or her findings concerning the cost analysis with specific regard to programs where funds are inadequate for an efficient enforcement program, together with a listing of the priorities jointly established by the secretary and the county sealers that are contained in the formal instructions and recommendations.

Amended Stats 1988 ch 343 § 1. Amended Stats 2012 ch 661 § 22.

§ 12104.5. FUNDS ALLOCATED FOR LOCAL ADMINISTRATION AND ENFORCEMENT

The secretary may allocate annually to each county an amount determined by the secretary not to exceed one-third of the amount expended by the county pursuant to this division during the previous fiscal year for weights and measures programs. The allocation shall be made from funds appropriated to the secretary for the administration and enforcement of this division at the local level.

Added Stats 1980 ch 738 § 1. Amended Stats 2012 ch 661 § 23.

§ 12105. INSPECTIONS OF LOCAL SEALERS AND OF WEIGHING AND MEASURING DEVICES

The department shall, at a frequency determined by the secretary, inspect the work of the local sealers and may inspect the weights, measures, balances or any other weighing or measuring devices of any person.

Amended Stats 1993 ch 365 § 1. Amended Stats 2012 ch 661 § 24.

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§ 12106. TESTS OF SCALES, WEIGHTS, AND MEASURES IN STATE INSTITUTIONS: REPORTS

The department shall, at least once annually and as often as requested by the Department of General Services or the executive officer of a state institution, test the scales, weights and measures used in checking the receipt and disbursement of supplies in any state institution, and shall report in writing its findings to the executive officer of the institution concerned.

Added Stats 1939 ch 43 § 1; Amended Stats 1963 ch 554 § 1; Stats 1965 ch 371 § 14.

§ 12106.5. RECOGNITION OF ANOTHER STATE'S TESTING AND SEALING

The secretary may accept the testing and sealing of weighing and measuring devices by another state upon a finding that the requirements of California for testing and sealing such devices have been met.

Added Stats 1979 ch 527 § 7. Amended Stats 2012 ch 661 § 25.

§ 12107. ESTABLISHMENT OF TOLERANCES AND SPECIFICATIONS FOR COMMERCIAL WEIGHING AND MEASURING APPARATUS: PROCEDURE: PROHIBITION AGAINST VIOLATION OF REGULATIONS, ETC.

The secretary shall establish tolerances and specifications and other technical requirements for commercial weighing and measuring. *In doing so, the secretary shall adopt, by reference, the latest standards as recommended by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44 "Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices,"* except as specifically modified, amended, or rejected by regulation adopted by the secretary.

The secretary may, by regulation, establish tolerances and specifications for commercial weighing and measuring devices not included in Handbook 44.

Any regulation shall be adopted, amended, or repealed in conformity with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

It shall be unlawful for any person to violate any of the rules, regulations, tolerances, specifications, or standards established under this section.

Stats 1993 ch 621 § 1. Amended Stats 2012 ch 661 § 26.

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§ 12107.1. ESTABLISHMENT OF COMMODITY STANDARDS, WEIGHTS, MEASURES, AND COUNTS: PROCEDURE: UNLAWFUL SALES

The secretary, by regulation, may establish a standard or standards or net weight or net measure, or net count of any commodity, except any manufactured commodity consisting of four or more staple ingredients. These standards, whenever applicable, shall be based upon published, official federal or state specifications and requirements or, in the absence of any published official specifications, upon established and accepted common usage. Any such regulation shall be adopted, amended, or repealed in conformity with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Whenever a standard, net weight, net measure, or net count has been established for any commodity, it is unlawful to sell the commodity by, at, or for a quantity greater or less than the standard.

Added Stats 1965 ch 948 § 2. Amended Stats 2012 ch 661 § 27.

§ 12107.5. TARES FOR CONTAINERS AND PALLETS: RETENTION OF RECORD OF DEDUCTIONS: MISDEMEANOR FOR UNLAWFUL DEDUCTION

Amended Stats 1976 ch 562; Repealed Stats 1984 ch 646.

§ 12107.6. ESTABLISHMENT AND USE OF TARE WEIGHTS FOR TRUCKS OR TRACTORS: FEES: ENFORCEMENT

Repealed Stats 1976 ch 562.

§ 12108. ARRANGEMENT FOR SERVICES OF SEALER EMPLOYED IN COUNTY: COMPENSATION AND EXPENSES

The secretary may arrange for the services of a sealer employed in a county on a collaborative basis and allow reasonable compensation and expenses for the purpose of performing services not already within his duties and which are subject to administration or enforcement by the department under the provisions of this code or of the Food and Agricultural Code.

Added Stats 1951 ch 1010 § 1. Amended Stats 2012 ch 661 § 28.

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ARTICLE 2

Local Administration

- § 12200. County sealer: Appointment: Term: Expenses: Deputies, inspectors, clerks and employees
- § 12201. Vacancy: Transmittal of list of eligible persons: Failure to appoint: Appointment of Deputy State Sealer
- § 12201.1. Compensation and expenses of county sealer and employees
- § 12201.2. Inability to fill vacancy: Performance of duties by director: Reimbursement for expenses
- § 12202. Examination for sealers, deputies, and inspectors: Rules: Licenses: Renewal of licenses: Examination fees
- § 12203. Licensing of appointees: Temporary appointment
- § 12204. Issuance of license on presentation of certificate showing passage of civil service examination: Minimum qualification
- § 12205. Attendance at annual and other meetings: Traveling expenses
- § 12206. County-wide jurisdiction of county sealer
- § 12207. Identification cards
- § 12208. [Repealed]
- § 12209. Copies of standards: Preservation and keeping: Reports of work done, etc.
- § 12209.5. Illustrative material: Issuance and distribution: Preparation of exhibits
- § 12209.6. Certification of parking meters
- § 12210. Inspection of weights, etc., sold or used in county: Fees
- § 12210.5. County authorized to collect fees for inspection testing of device at request of owner or user
- § 12211. Weighing and measuring packages, etc.: Rules and regulations of director: Procedure for adoption and promulgation: Effect of federal standards: Packages containing less than amount represented: Seizure as evidence
- § 12212. Regulations governing inspection frequency of commercially used weights, measures, and weighing and measuring apparatus: Inspections: Contract to perform tests: Schedule of fees: Disposition of fees collected
- § 12213. Entry of premises or stopping vendor, etc., and requiring movement to testing place
- § 12214. Neglect, incompetence or misconduct of county sealer: Hearing: Trial board: Notice of hearing: Evidence and order: Procedure where order disqualifies sealer: Revocation of license of deputy sealer or inspector
- §§ 12215-12217. [Repealed]

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§ 12200. COUNTY SEALER: APPOINTMENT: TERM: EXPENSES: DEPUTIES, INSPECTORS, CLERKS AND EMPLOYEES

There is in each county the office of county sealer of weights and measures. The county sealer shall be appointed by the board of supervisors, except in chartered counties where a different method of appointment is prescribed. The term of office of such sealer is four years from and after his appointment and until his successor is appointed but he may be removed as hereinafter provided.

In addition to his salary each sealer is entitled to his necessary traveling and other expenses incurred in the performance of his duties.

A county sealer may, with the consent of the power appointing him, appoint deputies or inspectors when necessary or expedient to carry out the duties of his office. Such deputies or inspectors shall serve at the pleasure of the county sealer.

The sealer may employ such clerks and employees as may be approved by the appointing power. Any such clerk or employee shall not have authority to enforce the provisions of this chapter.

A county may in its discretion refer to a deputy county sealer as a weights and measures inspector.

Added Stats 1939 ch 43 § 1; Amended Stats 1941 ch 1027 § 1; Stats 1947 ch 466 § 1; Stats 1963 ch 1600 § 2; Stats 1965 ch 83 § 3.

§ 12201. VACANCY: TRANSMITTAL OF LIST OF ELIGIBLE PERSONS: FAILURE TO APPOINT: APPOINTMENT OF DEPUTY STATE SEALER

If from any cause a vacancy occurs in the office of county sealer, the secretary upon learning of the vacancy shall immediately transmit to the board of supervisors or other appointing power a list of persons licensed by him or her for the position. If the appointing power fails to appoint a county sealer within 60 days after the receipt of the list, the secretary shall appoint a county sealer from that list. A person holding the position of Deputy State Sealer shall be appointed the county sealer of weights and measures for, and an employee of, the county to which he or she is assigned. The secretary shall issue to him or her a license which is valid only for the county he or she is serving. He or she shall become subject to this code.

Stats 1987 ch 734 § 1. Amended Stats 2012 ch 661 § 29.

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§ 12201.1. COMPENSATION AND EXPENSES OF COUNTY SEALER AND EMPLOYEES

The salary and other compensation provided for the county sealer, deputy county sealers and inspectors and clerks shall be paid out of the county treasury in the same manner and at the same time as other county officers are paid. The county sealer, deputy county sealers and inspectors shall each be entitled to receive his traveling and incidental expenses incurred in the performance of his duties.

Added Stats 1953 ch 87 § 2; Amended Stats 1963 ch 1600 § 3.

§ 12201.2. INABILITY TO FILL VACANCY: PERFORMANCE OF DUTIES BY SECRETARY: REIMBURSEMENT FOR EXPENSES

If the position of sealer cannot be filled by the board of supervisors or other appointing power or by the secretary as provided in Section 12201, then it shall be the duty of the secretary to perform the duties of sealer in the same manner, to the same extent, and with the same authority as if he had been the duly appointed sealer therein. The board of supervisors of such county shall reimburse the department for all expenses incurred by the secretary in fulfilling his responsibilities under the provisions of this section.

Added Stats 1967 ch 286 § 5. Amended Stats 2012 ch 661 § 30.

§ 12202. EXAMINATION FOR SEALERS, DEPUTIES, AND INSPECTORS: RULES: LICENSES: RENEWAL OF LICENSES: EXAMINATION FEES

(a) The secretary shall cause to be examined persons desiring to become county sealers, deputy county sealers, or inspectors and shall adopt rules and regulations governing these examinations given for the purpose of determining the fitness, experience, and qualifications of candidates for these positions. The secretary may provide for inspectors qualified to be employed in designated categories. Successful candidates shall be given a license which shall be good for five years unless revoked. Licenses of incumbent county sealers, deputy county sealers, or inspectors shall be renewed upon expiration without further examination.

(b) The secretary may charge each candidate a fee to cover the actual cost of providing the license examination.

Stats 1987 ch 734 § 2. Amended Stats 2012 ch 661 § 31.

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§ 12203. LICENSING OF APPOINTEES: TEMPORARY APPOINTMENT

Except as provided in this section, no person shall hereafter be appointed to the office of county sealer, deputy county sealer, or inspector unless he or she has a license issued by the secretary as provided in Section 12202. If there is no person available for the position of county sealer who holds a license, the appointing power may make a temporary appointment of a person recommended in writing by the secretary. If the appointing power does not make a temporary appointment and no person can be appointed from the eligible list by the secretary, then the secretary may make a temporary appointment of a person competent to carry on the duties of the office. Any temporary appointment shall be for a period not exceeding six months or until the next license examination is held. If the position of deputy county sealer or inspector cannot be filled from the lists, a temporary appointment may be made, upon the written recommendation of the secretary for a period not exceeding six months.

Stats 1987 ch 734 § 3. Amended Stats 2012 ch 661 § 32.

§ 12204. ISSUANCE OF LICENSE ON PRESENTATION OF CERTIFICATE SHOWING PASSAGE OF CIVIL SERVICE EXAMINATION: MINIMUM QUALIFICATION

In chartered counties providing for the civil service examination of sealers, deputy sealers, or inspectors the director shall issue a license without further examination upon presentation of a certificate showing the candidate has passed the examination. In these counties the board or commission responsible for the civil service examination may require a license from the director as a minimum qualification.

Added Stats 1939 ch 43 § 1; Amended Stats 1963 ch 1600 § 6; Stats 1987 ch 734 § 4.

§ 12205. ATTENDANCE AT ANNUAL AND OTHER MEETINGS: TRAVELING EXPENSES

For the purpose of receiving advice on the best and most efficacious methods of performing his or her duties and conducting his or her office, every county sealer serving in a county shall attend the annual meeting of the California Agricultural Commissioners and Sealers Association and such other meetings as the department or the board of supervisors requires.

The county sealer shall be allowed all actual and necessary traveling expenses incurred while on any service that requires him or her to go outside the county. Those expenses shall be a charge against the county in which the county sealer is employed.

Stats 1982 ch 532 § 3. Amended Stats 2012 ch 661 § 33.

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§ 12209.6. CERTIFICATION OF PARKING METERS

(a) A county sealer may test and certify the accuracy of all parking meters located in the county in which the sealer has jurisdiction, including, but not limited to, parking meters owned or operated by a city, county, or a city and county.

(b) If the county sealer determines that a specific parking meter is inaccurate, the sealer shall notify the owner or operator of the meter, may immediately close the meter, and any person may park a vehicle free of charge in the parking space to which the inaccurate meter corresponds until the owner or operator replaces or repairs the inaccurate parking meter.

(c) For purposes of this section, an “inaccurate parking meter” means a parking meter that provides less time than is paid for by a person using the metered parking space.

Added Stats 1998 ch 862 § 1; Amended Stats 2000 ch 511 § 2.

§ 12210. INSPECTION OF WEIGHTS, ETC., SOLD OR USED IN COUNTY: FEES

(a) Each sealer shall, within his or her county inspect, try and test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, sold, or used by any proprietor, agent, lessee or employee for commercial purposes, as defined in subdivision (e) of Section 12500.

(b) Each sealer shall, when so directed by the board of supervisors of his or her county, and only upon the written request of any person, firm or corporation, calibrate, test, weigh, and measure, and certify to the accuracy of, noncommercial weights and measures and weighing and measuring devices, and instruments, tools, and accessories connected therewith. The board of supervisors may authorize the sealer to establish from time to time a schedule of fees to cover the cost of such service and to charge and collect the fees.

Amended Stats 1981 ch 178 § 1.

§ 12210.5. COUNTY AUTHORIZED TO COLLECT FEES FOR INSPECTION TESTING OF DEVICE AT REQUEST OF OWNER OR USER

(a) Any county which inspects or tests any weighing or measuring device or instrument used commercially, at the request of the owner or user of that device, when inspection or testing of the device could legally be performed by a registered service agency, as defined in Section 12531, may, if authorized by the county board of supervisors, collect from the requesting owner or user thereof a fee.

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(b) That fee shall be based upon a uniform schedule of fees, which shall be prescribed by the secretary for use by the counties. The secretary shall prepare the schedule of fees to be comparable with the rates charged by the industry's registered service agencies. All fees collected shall be credited to the general fund of the county in which collected and used only for the administration and enforcement of laws pertaining to weights and measures.

Added Stats 1980 ch 583 § 1. Amended Stats 2012 ch 662 § 1

§ 12211. WEIGHING AND MEASURING PACKAGES, ETC.: RULES AND REGULATIONS OF SECRETARY: PROCEDURE FOR ADOPTION AND PROMULGATION: EFFECT OF FEDERAL STANDARDS: PACKAGES CONTAINING LESS THAN AMOUNT REPRESENTED: SEIZURE AS EVIDENCE

Each sealer shall, from time to time, weigh or measure packages, containers, or amounts of commodities sold, or in the process of delivery, in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law.

The secretary shall adopt necessary regulations governing the procedures to be followed by sealers in connection with the weighing or measuring of amounts of commodities in individual packages, containers, or lots of packages or containers, including the procedures for sampling a lot, and for determining whether any package, container, or a lot of packages or containers complies with this section.

In adopting those regulations, the secretary shall adopt by reference the package checking procedures recommended by the National Conference on Weights and Measures and published in the current edition of the National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods," and any subsequent amendments thereto, except insofar as those requirements are specifically modified, amended, or rejected by a regulation adopted by the secretary.

Any lot, package, or container of any commodity that conforms to this section shall be deemed to be in conformity with this division relating to stated net weights or measures.

Whenever a lot, package, or container of any commodity is found to contain, through the procedures authorized in this section, a less amount than that represented, the sealer shall order, in writing, that lot, package, or container of commodity off sale and require that an accurate statement of quantity be placed on each package or container before it may be released for sale by the sealer in writing. The sealer may seize as evidence any package or container that is found to contain a less amount than that represented.

Added Stats 1939 ch 43 § 1; Amended Stats 1949 ch 1384 § 3; Stats 1957 ch 1658 § 1; Stats 1963 ch 353 § 1; Stats 1973 ch 1033 § 1; Amended Stats 1995 ch 156 § 2.

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§ 12212. REGULATIONS GOVERNING INSPECTION FREQUENCY OF COMMERCIALLY USED WEIGHTS, MEASURES, AND WEIGHING AND MEASURING APPARATUS: INSPECTIONS: CONTRACT TO PERFORM TESTS: SCHEDULE OF FEES: DISPOSITION OF FEES COLLECTED

(a) The secretary shall adopt necessary regulations governing the inspection frequency of all commercially used weights, measures, and weighing and measuring apparatus in the state.

(b) The sealer of each county shall perform such inspections as may be required by the secretary. Nothing in this section shall be construed to prohibit the sealer from inspecting a device more frequently than required if he or she deems those tests necessary.

(c) Any regulation shall be adopted by the secretary in conformity with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) In counties where the secretary finds that the sealer, because of lack of equipment, is unable or fails to perform the tests as required herein, the secretary may enter into a contract with the board of supervisors of each of those counties to perform the tests. Those contracts shall provide that the county shall pay the cost of those services based upon a uniform schedule of fees developed by the secretary. The fee schedule shall be based on the approximate cost of performing those services. The contracts shall also provide that the secretary shall periodically render a bill to each county so served for the cost of services rendered, and the auditor of the county so billed shall pay the charge in the same manner in which other claims against the county are paid.

(e) All fees collected under the provisions of this section shall be credited to the Department of Food and Agriculture Fund.

Amended Stats 2011 ch 133 § 1. Amended Stats 2012 ch 661 § 35.

§ 12213. ENTRY OF PREMISES OR STOPPING VENDOR, ETC., AND REQUIRING MOVEMENT TO TESTING PLACE

Each sealer may, in the general performance of his duty, without formal warrant, enter or go into or upon, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal, ice, delivery, or other wagon or vehicle, containing commodities for sale or delivery and, if necessary, require him to proceed with the commodity to some place which the sealer may specify for the purpose of making the proper tests.

Added Stats 1939 ch 43 § 1.

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§ 12214. NEGLIGENCE, INCOMPETENCE OR MISCONDUCT OF COUNTY SEALER: HEARING: TRIAL BOARD: NOTICE OF HEARING: EVIDENCE AND ORDER: PROCEDURE WHERE ORDER DISQUALIFIES SEALER: REVOCATION OF LICENSE OF DEPUTY SEALER OR INSPECTOR

(a) Upon satisfactory evidence presented to the secretary that the county sealer of any county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board hereinafter provided for shall hold a hearing or hearings at times and places that it shall provide.

(b) The secretary and the president of the voluntary association of the sealers of the state shall select an impartial third person who, with them, shall compose a county sealer's trial board to determine whether the sealer is guilty of the charges presented.

(c) At least 10 days prior to the date of hearing, the secretary shall give notice in writing to the sealer of the time and place of hearing and any information as to the nature of the charges that will enable the sealer to make a defense thereto.

(d) At the hearing or hearings, the trial board shall hear evidence that is offered and thereafter, within 30 days, make an order dismissing the charges or an order disqualifying the sealer.

(e) In case the order disqualifies the sealer, the secretary shall forthwith revoke the sealer's license and declare the office vacant and a copy of the order shall be immediately transmitted by the secretary to the board of supervisors and the auditor of the county in which the sealer held office.

(f) The license of a deputy sealer or inspector may be revoked in the same manner and for the same causes that a license of a sealer may be revoked.

Stats 1987 ch 734 § 5. Amended Stats 2012 ch 661 § 36.

§§ 12215-12217. [Repealed]

ADMINISTRATION

ARTICLE 2.1

Fees and Charges

(Operative until January 1, 2011)

- § 12240. Annual device registration fee
- § 12241. Division of Measurement Standards Administrative Fee
- § 12242. Disposition of revenue
- § 12243. Public meeting prior to adoption of ordinance: Notice: Estimated cost
- § 12244. Recovery of costs incurred in conducting meeting
- § 12245. [Repealed]
- § 12246. Repeal date

§ 12240. ANNUAL DEVICE REGISTRATION FEE

(a) Except as otherwise provided in this section, the board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

(b) Except as otherwise provided in this section, the annual registration fee shall not exceed the amount set forth in subdivisions (f) to (r), inclusive.

(c) The county may collect the fees biennially, in which case they shall not exceed twice the amount of an annual registration fee. The ordinance shall be adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(d) Retail gasoline pump meters, for which the above-fees are assessed, shall be inspected as frequently as required by regulation, but not less than once every two years.

(e) Livestock scales, animal scales and scales used primarily for weighing feed and seed, for which the above fees are assessed, shall be inspected as frequently as required by regulation.

(f) For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, a Department of Food and Agriculture administrative fee, as specified in Section 12241, and a device fee, as specified in subdivisions (g) to (r), inclusive. The business location fee and device fee shall not exceed one hundred dollars (\$100) per business location, plus 100 percent of the maximum applicable device fee listed in subdivisions (g) to (r), inclusive.

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(g) (1) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:

(A) For water submeters, two dollars (\$2) per device per space or apartment.

(B) For electric submeters, three dollars (\$3) per device per space or apartment.

(C) For vapor submeters, four dollars (\$4) per device per space or apartment.

(2) Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

(h) For weighing devices, other than livestock, with capacities of 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars (\$250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred fifty dollars (\$150) per device.

(i) This section does not apply to farm milk tanks.

(j) A scale or device used in a certified farmers' market, as defined by Section 113742 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

(k) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall not exceed one hundred fifty dollars (\$150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred dollars (\$100) per device.

(l) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall not exceed one hundred eighty-five dollars (\$185) per device.

(m) For wholesale and vehicle meters, the device fee shall not exceed seventy-five dollars (\$75) per device.

(n) For computing scales, the device fee shall not exceed twenty dollars (\$20) per device. For purposes of this subdivision, a computing scale shall be a weighing device with a capacity of less than 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range of the scale. For the purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars (\$1,000) for each business location.

(o) For jewelry and prescription scales, the device fee shall not exceed eighty dollars (\$80) per device. For purposes of this subdivision, a jewelry or prescription scale shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the secretary applicable to those devices in accordance with Section 12107.

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(p) For weighing devices, other than computing, jewelry, and prescription scales as defined in subdivisions (n) and (o), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall not exceed fifty dollars (\$50) per device.

(q) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall not exceed sixty dollars (\$60) per device.

(r) This section does not apply to odometers in rental passenger vehicles, as defined in Section 465 of the Vehicle Code, that are subject to Section 1936 of the Civil Code. If a person files a complaint with the county sealer regarding the accuracy of a rental passenger vehicle odometer, the county sealer may charge a fee to the operator of the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

(s) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving nonpassenger vehicles that are not subject to Section 1936 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (q) shall not exceed the sum of three hundred forty dollars (\$340) for each business location.

(t) For all other commercial weighing or measuring devices not listed in subdivisions (g) to (r), inclusive, the device fee shall not exceed twenty dollars (\$20) per device. For the purposes of this subdivision, the total portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars (\$1,000), for each business location.

(u) For the purposes of this section, a single business location is defined as:

(1) Each business location that uses one or more categories or types of commercial devices as set forth in subdivisions (g) to (p), inclusive, and in subdivision (t), that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(2) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.

(3) (A) For vehicles that are employed in vehicle rental transactions and that are not subject to Section 1936 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.

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(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:

- (i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.
- (ii) The facility is not operated or staffed by an employee of the vehicle rental company.
- (iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.

(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

Amended Stats 2011 ch 133 § 2. Amended Stats 2012 ch 234 § 1

§ 12241. DIVISION OF MEASUREMENT STANDARDS AMINISTRATIVE FEE

On or before January 1, 2012, the secretary shall establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the department for exercising supervision over and performing investigations in connection with the activities performed pursuant to Sections 12210 and 12211. This administrative fee shall be collected for every device registered with each county office of weights and measures, and paid to the Department of Food and Agriculture Fund beginning January 1, 2012, and annually thereafter.

Added Stats 1982 ch 1380 § 4; Amended Stats 1983 ch 1245 § 4; Repealed Stats 1987 ch 779 2 § 2. Amended Stats 2011 ch 133 § 2.

§ 12242. DISPOSITION OF REVENUE

The revenue from any fee charged pursuant to Section 12240 shall be deposited in the general fund of the county and used solely for the activities required by Sections 12210 and 12211.

Added Stats 1982 ch 1380 § 4; Amended Stats 1983 ch 1245 § 5; Amended Stats 1993 ch 1050 § 2.

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§ 12243. PUBLIC MEETING PRIOR TO ADOPTION OF ORDINANCE: NOTICE: ESTIMATED COST

In addition to providing notice as otherwise required, before adopting an ordinance charging fees pursuant to Section 12240, the board of supervisors shall hold at least one public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the information required by this section is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the board of supervisors. Any written request for the mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for the mailed notices shall be filed on or before April 1 of each year. The board of supervisors may establish a reasonable annual charge for sending the notices based on the estimated cost of providing that service. At least 10 days prior to the meeting, the board of supervisors shall make available to the public information indicating the amount of cost, or estimated cost, required to provide the service for which the fee is charged and the revenue sources anticipated to provide the service, including General Fund revenues. If the fees create revenues in excess of actual cost, those revenues shall be used to reduce the fee creating the excess.

Added Stats 1982 ch 1380 § 4; Amended Stats 1983 ch 1245 § 6.

§ 12244. RECOVERY OF COSTS INCURRED IN CONDUCTING MEETING

Any costs incurred by the board of supervisors in conducting the required meeting may be recovered from fees charged for the services which were the subject of the meeting.

Added Stats 1982 ch 1380 § 4.

§ 12245. REVIEW OF STATEWIDE EFFECTS OF ORDINANCES: REPORT TO LEGISLATURE

Added Stats 1982 ch 1380 § 4; Repealed Stats 1987 ch 779 § 3.

§ 12246. REPEAL DATE

This article shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2016, deletes or extends that date.

Amended Stats 2010 ch 260 § 1. Amended Stats 2012 ch 234 § 2.

STANDARDS

CHAPTER 3

Standards of Weights and Measures

- § 12300. Standards for contracts made within State for work or sale of goods
- § 12301. Validity of stipulation for metric system
- § 12302. [Repealed]
- § 12303. Metrological standards certified by National Bureau of Standards
- § 12304. Safekeeping of standards: Certification
- § 12305. Use of state standards and copies
- § 12306. [Repealed]
- § 12307. [Repealed]
- § 12308. Duty of county legislative body to provide copies of standards of weights and measures: Certification
- § 12309. Duty of department to furnish copies of standard weigh and measures upon request: Testing and approval of copies upon request: Certification and marking of copies: Materials or construction
- § 12310. Time for certification of county standards: Cost of certification
- § 12310.5. Certification and verification of standards in accordance with standards certified by National Bureau of Standards: Fees
- § 12311. Testing standards: Adjustment: Replacement
- § 12312. Copies of state standards as evidence in prosecutions
- § 12313. Recognition in this state of definitions of basic units of weight and measure, etc., published by National Bureau of Standards
- § 12314. Use and certification of measuring laboratories

§ 12300. STANDARDS FOR CONTRACTS MADE WITHIN STATE FOR WORK OR SALE OF GOODS

Contracts made within this State for work to be done or for anything to be sold or delivered by weight or measure shall be construed according to the common standards, or according to the weights and measures of the metric system authorized by Congress, as the contract provides.

Added Stats 1939 ch 43 § 1.

§ 12301. VALIDITY OF STIPULATION FOR METRIC SYSTEM

No contract or pleading is invalid or subject to objection because the weights and measures expressed or referred to therein are weights or measures of the metric system.

Added Stats 1939 ch 43 § 1.

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STANDARDS

§ 12313. RECOGNITION IN THIS STATE OF DEFINITIONS OF BASIC UNITS OF WEIGHT AND MEASURE, ETC., PUBLISHED BY NATIONAL BUREAU OF STANDARDS

The definitions of basic units of weight and measure, and the tables of weight and measure and weights and measures equivalents, as published by the National Bureau of Standards are recognized and shall govern weighing and measuring equipment and transactions in this State.

Added Stats 1977 ch 872.

§ 12314. USE AND CERTIFICATION OF MEASURING LABORATORIES

The department, by regulation, may establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the secretary to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

The department shall recover actual costs for the certification of any laboratory from that laboratory.

The secretary may revoke or suspend any certification issued pursuant to this section for good cause. The secretary shall establish by regulation criteria to be used when revoking or suspending any certification on the basis of good cause. Any proceeding to revoke or suspend any certification shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the secretary shall have all the powers granted therein.

Measurements performed and standards certified by laboratories is certified under the provisions of this section shall qualify as prima facie evidence.

Amended and Renumbered Stats 1982 Ch 758 § 1.5. Amended Stats 2012 ch 661 § 37.

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DEVICES

CHAPTER 5

Weighing and Measuring Devices

- § 12500. Definitions
- § 12500.5. Approval and certification of commercial instruments: Sale or use for commercial purposes of non-approved instruments
- § 12500.6. Prohibition against sale or installation: Revocation or modification of approval
- § 12500.7. Renumbered and amended (See § 12314)
- § 12500.8. Agreement with other jurisdictions for reciprocal acceptance of certifications
- § 12500.9. Fees authorized for approval of devices
- § 12500.10. Removal of unapproved instruments
- § 12501. Sealing instruments before sale
- § 12501.1. Use for remainder of prescribed period where sealed before sale
- § 12501.2. Inspection, testing or sealing not to be required where instrument not rendered readily available after notice
- § 12501.3. Use of unsealed device pending repairs
- § 12502. Instruments necessarily assembled or set up after being sold and before being used
- § 12503. Tests by sealer of instruments used in buying and selling: Request by any resident
- § 12504. Tests by sealer of instruments on request of user or seller: User's or seller's responsibility for false or unsealed weights and measures preserved
- § 12505. Sealing and marking examined instruments as correct: Dating
- § 12506. Procedure with respect to incorrect weights, measures, and instruments
- § 12507. Repair of "out of order" instruments: Time: Disuse: Effect of refusal or neglect to repair: Disposition of seized instruments
- § 12508. Removal or obliteration of sealer's tag or device a misdemeanor
- § 12509. Resealing "out of order" instruments when corrected: Removal of "out of order" tag or device: Placing instrument in service pending reinspection
- § 12510. Misdemeanors declared: Presumption of intent to violate law
- § 12510.5. Repealed
- § 12510.6. Repealed
- § 12511. Period for use or sale of weighing or measuring instrument without further test: Inspection and testing during period

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- § 12511.1. **Use of instrument found correct or corrected by registered service agency authorized pending reinspection**
- § 12512. **Purchase of less than true quantity as misdemeanor**
- § 12513. **Sealing and testing by any department employee effective as if by sealer**
- § 12514. **Personal interest of sealers in sale of instruments: Acceptance of fee, etc.: Prohibitions**
- § 12515. **Repair, sale or installation of instrument: Failure to notify county sealer as misdemeanor: When notification not required**
- § 12516. **Location of scale when auctioning livestock: Issuance of State certificate of weights and measures**
- § 12517. **Statement required for coin-operated weigher**

§ 12500. DEFINITIONS

As used in this chapter the following terms mean:

- (a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.
- (b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.
- (c) "Correct" means any weight or measure or weighing, measuring, or counting instrument which meet all of the tolerance and specification requirements established by the director pursuant to Section 12107.
- (d) "Incorrect" means any instrument which fails to meet all of the requirements of Section 12107.
- (e) "Commercial purposes" include the determination of the weight, measure, or count of any commodity or thing which is sold on the basis of weight, measure, or count; or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. Devices used in a determination upon which a charge for service is based include, but are not limited to, taximeters, odometers, timing devices, parcel scales, shipping scales, and scales used in the payment of agricultural workers.

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“Commercial purposes” do not include the determination of the weight, measure, or count of any commodity or thing which is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing, or the determination of charges for the transmission of letters or parcels of less than 150 pounds, except when that determination is made in the presence of the customer charged for the service.

Amended Stats 1982 ch 860 § 1; Amended Stats 1990 ch 338 § 1.

§ 12500.5. APPROVAL AND CERTIFICATION OF COMMERCIAL INSTRUMENTS: SALE OR USE FOR COMMERCIAL PURPOSES OF NON-APPROVED INSTRUMENTS

The secretary by rules and regulations shall provide for submission for approval of types or designs of weights, measures, or weighing, measuring, or counting instruments or devices, used for commercial purposes, and shall issue certificates of approval of such types or designs as he or she shall find to meet the requirements of this code and the tolerances and specifications thereunder.

It shall be unlawful to sell or use for commercial purposes any weight or measure, or any weighing, measuring, or counting instrument or device, of a type or design that has not first been so approved by the department; provided, however, that any such weight, measure, instrument, or device in use for commercial purposes prior to the effective date of this act may be continued in use unless and until condemned under the provisions of this code.

Added Stats 1949 ch 893 § 2. Amended Stats 2012 ch 661 § 38.

§ 12500.6. PROHIBITION AGAINST SALE OR INSTALLATION: REVOCATION OR MODIFICATION OF APPROVAL

Notwithstanding Section 12500.5, the secretary may prohibit the sale or installation of any previously approved type or design of weight or measure or weighing, measuring, or counting instrument if the secretary determines the weight, measure, or instrument does not fulfill the purpose for which it was approved or that the weight, measure, or instrument is not identical to the approved type or design.

The secretary may initiate proceedings pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code to determine whether the approval should be revoked or modified, and to determine the period of time that the owner or user of any accurate device for which type approval has been revoked or modified may continue to use that device for commercial purposes, pending the replacement or modification of the device.

Added Stats 1983 ch 326 § 1. Amended Stats 2012 ch 661 § 39.

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WEIGHTS AND MEASURES

§ 12500.7.

Added Stats 1977 ch 872 § 3; Amended and Renumbered § 12314 Stats 1982 ch 758 § 1.5.

§ 12500.8. AGREEMENT WITH OTHER JURISDICTIONS FOR RECIPROCAL ACCEPTANCE OF CERTIFICATIONS

The secretary may enter into an agreement with the Office of Weights and Measures of the National Institute of Standards and Technology of the Department of Commerce, and other weights and measures jurisdictions, to accept the certifications of each other for prototype examination purposes.

Added Stats 1979 ch 527 § 8. Amended Stats 2012 ch 661 § 40.

§ 12500.9. FEES AUTHORIZED FOR APPROVAL OF DEVICES

The secretary shall charge and collect an application fee and reasonable deposit from persons submitting devices for approval as required by Section 12500.5. Costs incurred by the department that exceed the deposit shall be charged and collected upon completion of all prototype-approval testing. The fees shall be based upon the following criteria:

- (a) The moneys collected are intended to compensate the secretary for the costs of time, mileage, equipment, and administrative services expended in providing prototype-approval service.
- (b) The secretary may compensate county sealers of weights and measures, other weights and measures jurisdictions, or private laboratories for furnishing equipment and assisting the department in conducting prototype-approval activities.
- (c) The amount of compensation provided for in subdivision (b) shall be based upon actual time, mileage, and equipment costs, as determined by the secretary.
- (d) The secretary may charge an annual administrative fee not to exceed reasonable costs incurred for the maintenance of type approval certificates in hard copy and electronic formats.

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§ 12508. REMOVAL OR OBLITERATION OF SEALER'S TAG OR DEVICE A MISDEMEANOR

Except as provided in Section 12509, any person who removes or obliterates any tag or device placed upon any weight, measure, or weighing or measuring instrument by a sealer is guilty of a misdemeanor.

Added Stats 1939 ch 43 § 1; Amended Stats 1973 ch 977 § 7.

§ 12509. RESEALING "OUT OF ORDER" INSTRUMENTS WHEN CORRECTED: REMOVAL OF "OUT OF ORDER" TAG OR DEVICE: PLACING INSTRUMENT IN SERVICE PENDING REINSPECTION

- (a) When any weight, measure, or weighing or measuring instrument has been repaired and corrected, and has been reinspected and found correct, the sealer shall remove the tag or device with the words "out of order", and shall seal and mark that weight, measure, or weighing or measuring instrument in the manner provided for the marking of the same where, upon inspection, it is found correct.
- (b) Upon completion of corrective repairs or adjustments, and with the authorization from the sealer, a registered service agency, as defined in section 12531, may remove an "out of order" tag or device, and the weight, measure, or weighing or measuring instrument may be placed in service pending reinspection by the sealer.

Amended Stats 1973 ch 977 § 7.5. Amended Stats 2012 ch 662 § 2.

§ 12510. MISDEMEANORS DECLARED: PRESUMPTION OF INTENT TO VIOLATE LAW

(a) Any person, who by himself or herself, or through or for another, does any of the following is guilty of a misdemeanor:

- (1) Uses, for commercial purposes, or retains in his or her possession an incorrect weight or measure or weighing or measuring instrument.
- (2) Sells any weight or measure used for commercial purposes, or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.
- (3) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.
- (4) Uses, for commercial purposes, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal, and which, upon test by the sealer, is found

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DEVICES

§ 12510.6. EXEMPTIONS: GOOD FAITH

Added Stats 1980 ch 302 § 2. Repealed Stats 1990 ch 338 § 7.

§ 12511. PERIOD FOR USE OR SALE OF WEIGHING OR MEASURING INSTRUMENT WITHOUT FURTHER TEST: INSPECTION AND TESTING DURING PERIOD

Any weight, measure, or weighing or measuring instrument tested and found correct by any sealer may be used within this State without any further test for such period as is authorized in the regulations adopted by the director pursuant to Section 12212. If tested and sealed and certified to as correct by the National Bureau of Standards, any weight, measure, or weighing or measuring instrument may be sold without being first tested and sealed by a sealer. In either case, it shall be subject to inspection and testing notwithstanding that it has been tested and sealed either by a sealer or by the National Bureau of Standards.

Added Stats 1939 ch 43 § 1; Amended Stats 1959 ch 122 § 2; Stats 1965 ch 966 § 5.

§ 12511.1. USE OF INSTRUMENT FOUND CORRECT OR CORRECTED BY REGISTERED SERVICE AGENCY AUTHORIZED PENDING REINSPECTION

Notwithstanding any other provisions of this division, any weight or measure, or weighing or measuring instrument, found correct or corrected by a registered service agency, as defined in Section 12531, authorized pursuant to Section 12509, may be used commercially pending reinspection by a sealer.

Added Stats 1976 ch 239. Amended Stats 2012 ch 662 § 3

§ 12512. PURCHASE OF LESS THAN TRUE QUANTITY AS MISDEMEANOR

When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser shall in no case buy the commodity according to any quantity which is less than the true quantity of the commodity or compute the purchase price of the commodity according to a price per unit of measure that is less than the highest applicable price per unit of measure that is represented by the purchaser to the seller for the commodity, or, where applicable, less than a price per unit that is established by law, in statute, or by regulation. Violation of this section is a misdemeanor.

Amended Stats 1967 ch 271 § 2. Amended Stats 2012 ch 662 § 4

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FAIR PACKAGING AND LABELING

CHAPTER 6

Fair Packaging and Labeling Act [Added by Stats 1969 ch 1309 § 3]

Former Chapter 6, relating to containers, consisting of §§ 12601-12615, was added by Stats 1939 ch 43 § 1, amended by Stats 1939 ch 992 § 24, Stats 1941 ch 256 §§ 1-3, Stats 1947 ch 1072 §§ 1-7, Stats 1953 ch 1718 § 1, Stats 1957 ch 1658 § 2, Stats 1959 ch 111 § 4, ch 123 §§ 1, 2, ch 515 § 1, Stats 1963 ch 584 § 1, ch 903 § 1, ch 980 § 1, Stats 1965 ch 32 §§ 1, 2, ch 953 § 1, Stats 1967 ch 437 §§ 1, 2, Stats 1968 ch 61 § 1; and repealed by Stats 1969 ch 1309 § 2.

- § 12601. Legislative policy
- § 12602. Unlawful to distribute commodity contained in nonconforming package or label: Exception for wholesale or retail distributors not engaged in packaging or labeling
- § 12603. Regulations to be established by director: Required provisions of regulations
- § 12604. [Repealed]
- § 12604.5. [Repealed]
- § 12605. Prohibition of distribution of packaged commodity containing qualifying words in separate statement of net quantity of contents: Supplemental statements: Prohibited qualifications
- § 12606. False bottom, etc., prohibited: Containers not to be nonfunctionally slack filled: Seizure of container: Condemnation of container: Return of contents of condemned container
- § 12606.2. Misleading food containers, prohibited
- § 12607. Offer for sale, etc., of commodity without statement of net quantity: Order of commodity off sale: Correct statement of net quantity required for release
- § 12608. [Repealed]
- § 12609. Secretary to establish rules and regulations: Exemptions
- § 12610. Secretary may promulgate regulations similar to those promulgated by Secretary of Health, Education, and Welfare or Federal Trade Commission: Contents of regulations
- § 12611. Unlawful acts: Selling, etc., commodity in nonconforming container or with nonconforming label: Required information not prominently displayed
- § 12612. Sale of commodity packaged in compliance with Act of Congress or rules or regulations promulgated thereunder not violation: Sale of malt beverages complying with rule, etc., of United States Treasury Department, etc., not violation

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§ 12607. OFFER FOR SALE, ETC., OF COMMODITY WITHOUT STATEMENT OF NET QUANTITY: ORDER OF COMMODITY OFF SALE: CORRECT STATEMENT OF NET QUANTITY REQUIRED FOR RELEASE

Whenever a packaged commodity is offered for sale, exposed for sale or sold without a statement of net quantity appearing thereon as required by this chapter, the sealer shall in writing order the commodity off sale and require that a correct statement of net quantity be placed on the commodity before the same may be released by the sealer.

Amended Stats 1976 ch 239.

§ 12608. TERMS OF STATEMENTS OF QUANTITY: TESTING OF FLUID PRODUCTS (INOPERATIVE ON FEBRUARY 14, 1994 AND IS REPEALED AS OF JANUARY 1, 1995)

Added Stats 1969 ch 1309 § 3; Amended Stats 1988 ch 341 § 3; Amended Stats 1993 ch 621 § 5. (INOPERATIVE ON FEBRUARY 14, 1994 AND IS REPEALED AS OF JANUARY 1, 1995)

§ 12609. SECRETARY TO ESTABLISH RULES AND REGULATIONS: EXEMPTIONS

The secretary shall adopt necessary regulations to carry out the purpose of this division and for the testing of packages to verify the net quantity statements. In adopting these regulations, the secretary shall adopt by reference the packaging and labeling requirements recommended by the National Conference on Weights and Measures and published in the current edition of the National Institute of Standards and Technology Handbook 130, Uniform Packaging and Labeling Regulation, except insofar as those requirements are specifically modified, amended, or rejected by regulation by the secretary. The regulations shall include exemptions from full compliance with this chapter for good and sufficient reasons. Any exemptions affecting consumer commodities shall be in conformance with exemptions permitted by federal regulations. Any regulation, or amendment thereof, shall be adopted by the secretary in conformity with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Amended Stats 1993 ch 621 § 7. Amended Stats 2012 ch 661 § 41.

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§ 12610. SECRETARY MAY PROMULGATE REGULATIONS SIMILAR TO THOSE PROMULGATED BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE OR FEDERAL TRADE COMMISSION: CONTENTS OF REGULATIONS

The secretary may promulgate regulations similar to those promulgated by the United States Secretary of Health and Human Services or the Federal Trade Commission pursuant to the Federal Fair Packaging and Labeling Act (Public Law 89-755; 80 Stats 1296; 15 U.S.C. Secs. 1451-1461) effective to do the following:

(a) Establish and define standards for characterization of the size of a package enclosing any commodity, that may be used to supplement the label statement of net quantity of contents of packages containing such commodity, but this subdivision shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages which may be used to enclose any commodity.

(b) Require that the label on each package of a commodity (other than one that is a food within the meaning of Section 201(f) of the Federal Food, Drug, and Cosmetic Act) bear the common or usual name of the consumer commodity, if any.

Added Stats 1969 ch 1309 § 3. Amended Stats 2012 ch 661 § 42.

§ 12611. UNLAWFUL ACTS: SELLING, ETC., COMMODITY IN NONCONFORMING CONTAINER OR WITH NONCONFORMING LABEL: REQUIRED INFORMATION NOT PROMINENTLY DISPLAYED

It is unlawful to pack, ship, or sell any commodity in a container which does not conform to all the specifications of this chapter, or which is not conspicuously marked, branded, or otherwise labeled as required by this chapter; or on which any word, statement or other information required by this chapter is not prominently placed, in such terms and with such conspicuousness, as compared with other words, statements, designs or devices on the label or container, as to render it likely to be read and understood by ordinary persons under customary conditions of purchase and use.

Added Stats 1969 ch 1309 § 3.

§ 12612. SALE OF COMMODITY PACKAGED IN COMPLIANCE WITH ACT OF CONGRESS OR RULES OR REGULATIONS PROMULGATED THEREUNDER NOT VIOLATION: SALE OF MALT BEVERAGES COMPLYING WITH RULE, ETC., OF UNITED STATES TREASURY DEPARTMENT, ETC., NOT VIOLATION

The sale of any commodity packaged in a container, wherein both the container and the contents thereof comply with any Act of Congress or rules or regulations promulgated thereunder, pertaining to weight, measure or count, does not violate the provisions of this

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WEIGHMASTERS

CHAPTER 7

Weighmasters

(Added by Stats 1984 Ch 646) Formerly Chapters 7, 7.3,
7.7 of Division 5 (Repealed by Stats 1984 Ch 646).

- § 12700. Definition
- § 12700.5. Public weighing services: Weighing for hire
- § 12701. Persons who are not weighmasters
- § 12702. “Weighmaster” as including deputy weighmaster
- § 12703. License, fee, and/or penalty required
- § 12704. License fee
- § 12705. Change in legal entity of licensee
- § 12706. License expiration dates: Pro rata decrease in license fee
- § 12707. License renewal: Penalty for failure to pay fee when due
- § 12708. Refusal to grant or renew license: Revocation or suspension of license
- § 12709. Disposition of license fees
- § 12710. Deputy weighmasters
- § 12710.5. Failure to submit deputy names
- § 12711. When weighmaster certificate to be issued
- § 12712. Issuance of certificate by one other than weighmaster making determination: Transfer of weight or measure to other certificate
- § 12713. Responsibility for completeness of certificate: Receipt showing weight, measure, or count of fish, mollusks, or crustaceans as weighmaster certificate
- § 12714. Legend and weighmaster’s name to appear on certificate
- § 12714.5. Information on certificate to be legible: Consecutive numbering
- § 12715. Contents of certificate
- § 12715.5. [Repealed]
- § 12716. Recordkeeping: Inspection
- § 12716.5. Correction of errors
- § 12717. Approval, testing, and sealing of weighing or measuring device
- § 12718. Acts constituting misdemeanors
- § 12718.5. Lawful possession of unfilled or unused weighmaster certificate forms by persons other than weighmasters
- § 12719. Change of net contents after recordation of weight
- § 12720. Alteration of tare weight of vehicle prior to determining net weight of commodity
- § 12721. Time for weighing, measuring, or counting vehicle, container, or pallet
- § 12722. Use of predetermined tare weight: Exemption for specified rock products
- § 12723. Regulations for establishment of tares

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- § 12724. **Determination of gross and tare weights: Requirement that all persons be off scale and vehicle: Exceptions**
- § 12725. **Conditions under which gross weight not to be certified**
- § 12726. **Reweighing upon complaint**
- § 12727. **Weight verification**
- § 12728. **Requirement that entire vehicle rest on scale: Exemption for seed cotton**
- § 12729. **Misdemeanors: Infractions: Fines**
- § 12729.5. **[Repealed]**
- § 12730. **Farm products**
- § 12731. **Livestock**
- § 12732. **Adjustments to load: Commodity weights determined at other than site where vehicle was loaded**
- § 12733. **Scrap metal and salvage materials**
- § 12734. **Squid or anchovy**
- § 12735. **Rules and regulations**
- § 12736. **Renumbered**
- § 12737. **Unattended Weighing Systems Used for Construction Materials**

§ 12700. DEFINITION

A weighmaster is any person who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service.

Added Stats 1984 ch 646.

§ 12700.5. PUBLIC WEIGHING SERVICES: WEIGHING FOR HIRE

- (a) A weighmaster is not required to provide weighing services to the general public.
- (b) Weighing for hire is at the discretion of the weighmaster.

Added Stats 1984 ch 646.

§ 12701. PERSONS WHO ARE NOT WEIGHMASTERS

1. The following persons are not weighmasters:

- (a) Retailers weighing, measuring, or counting commodities for sale by them in retail stores in the presence of, and directly to, consumers.

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- (b) Except for persons subject to Section 12730, producers of agricultural commodities or livestock, who weigh commodities produced or purchased by them or by their producer neighbors, when no charge is made for the weighing, or when no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based.
- (c) Common carriers issuing bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation, including carriers of household goods when transporting shipments weighing less than 1,000 pounds.
- (d) Milk samplers and weighers licensed pursuant to Article 8 (commencing with Section 35161) of Chapter 12 of Part 1 of Division 15 of the Food and Agricultural Code, when performing the duties for which they are licensed.
- (e) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.
- (f) Newspaper publishers weighing or counting newspapers for sale to dealers or distributors.
- (g) Textile maintenance establishments weighing, counting, or measuring any articles in connection with the business of those establishments.
- (h) County sanitation districts operating pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, garbage and refuse disposal districts operating pursuant to Chapter 2 (commencing with Section 49100) of Part 8 of Division 30 of the Public Resources Code, and solid waste facilities, as defined in Section 40194 of the Public Resources Code.
- (i) Facilities that handle medical waste and that report net weights, and not estimates, to the generator of the medical waste and the Department of Public Health in accordance with the provisions of the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code).
- (j) Persons who purchase scrap metal or salvage materials pursuant to a nonprofit recycling program, or recycling centers certified pursuant to Division 12.1 (commencing with Section 14500) of the Public Resources Code that purchase empty beverage containers from the public for recycling.
- (k) Pest control operators licensed pursuant to Chapter 4 (commencing with Section 11701) of Division 6 of the Food and Agricultural Code.

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(l) Retailers or recycling centers established solely for the redemption of empty beverage containers, as that phrase is defined in Section 14512 of the Public Resources Code, who are weighing, measuring, or counting salvage or returnable materials for purchase or redemption by them in retail stores, or, in the case of recycling centers, on the retail store premises or on a parking lot immediately adjacent to a retail store which is used for the purpose of parking by the store customers, directly from and in the presence of the seller. "Retailer" means an entity which derives 90 percent or more of its income from the sale of small quantities of food or nonfood items, or both, directly to consumers. "Salvage materials" means used paper products and used containers made of aluminum, tin, glass, or plastic.

(m) Any log scaler who performs log scaling functions, except weighing, as defined in the United States Forest Service Handbook, Supplement No. 4 of March 1987.

(n) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

2. The following persons are not weighmasters:

(a) Retailers weighing, measuring, or counting commodities for sale by them in retail stores in the presence of, and directly to, consumers.

(b) Except for persons subject to Section 12730, producers of agricultural commodities or livestock, who weigh commodities produced or purchased by them or by their producer neighbors, when no charge is made for the weighing, or when no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based.

(c) Common carriers issuing bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation, including carriers of household goods when transporting shipments weighing less than 1,000 pounds.

(d) Milk samplers and weighers licensed pursuant to Article 8 (commencing with Section 35161) of Chapter 12 of Part 1 of Division 15 of the Food and Agricultural Code, when performing the duties for which they are licensed.

(e) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(f) Newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

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(g) Textile maintenance establishments weighing, counting, or measuring any articles in connection with the business of those establishments.

(h) County sanitation districts operating pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, garbage and refuse disposal districts operating pursuant to Chapter 2 (commencing with Section 49100) of Part 8 of Division 30 of the Public Resources Code, and solid waste facilities, as defined in Section 40194 of the Public Resources Code.

(i) Persons who purchase scrap metal or salvage materials pursuant to a nonprofit recycling program, or recycling centers certified pursuant to Division 12.1 (commencing with Section 14500) of the Public Resources Code that purchase empty beverage containers from the public for recycling.

(j) Pest control operators licensed pursuant to Chapter 4 (commencing with Section 11701) of Division 6 of the Food and Agricultural Code.

(k) Retailers, or recycling centers established solely for the redemption of empty beverage containers, as that phrase is defined in Section 14512 of the Public Resources Code, who are weighing, measuring, or counting salvage or returnable materials for purchase or redemption by them in retail stores, or, in the case of recycling centers, on the retail store premises or on a parking lot immediately adjacent to a retail store which is used for the purpose of parking by the store customers, directly from and in the presence of the seller. "Retailer" means an entity which derives 90 percent or more of its income from the sale of small quantities of food or nonfood items, or both, directly to consumers. "Salvage materials" means used paper products and used containers made of aluminum, tin, glass, or plastic.

(l) Any log scaler who performs log scaling functions, except weighing, as defined in the United States Forest Service Handbook, Supplement No. 4 of March 1987.

(m) This section shall become operative on January 1, 2017.

Amended Stats 1999 ch 815 § 1. Amended Stats 2012 ch 693 § 1 and § 2 .

§ 12702. "WEIGHMASTER" AS INCLUDING DEPUTY WEIGHMASTER

"Weighmaster", when used without qualification, includes a deputy weighmaster.

Added Stats 1984 ch 646.

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WEIGHMASTERS

§ 12706. LICENSE EXPIRATION DATES: PRO RATA DECREASE IN LICENSE FEE

(a) The secretary may assign or reassign dates for the expiration of licenses for any weighmaster.

(b) The secretary may establish a license year for any weighmaster consisting of any period from one month to 11 months, inclusive, with subsequent renewals being required at yearly intervals thereafter.

(c) Whenever the license year is less than 12 months by reason of the assignment or reassignment of the expiration date by the secretary, the license fee as designated in Section 12704 shall be decreased by one twelfth of the annual fee for each month of the period less than 12 months.

Added Stats 1984 ch 646. Amended Stats 2012 ch 661 § 43.

§ 12707. LICENSE RENEWAL: PENALTY FOR FAILURE TO PAY FEE WHEN DUE

Each license required by this chapter shall be renewed annually, on or before the first day of the first month of the licensee's license year, by application to the director, accompanied by the annual license fee. An application and annual license fee sent by mail is not overdue if postmarked not later than the fifth day of the month in which it is issued. To any fee not paid when due, there shall be added a penalty equal to 30 percent of the amount of the license fee, if it is paid within 30 days of becoming due. The penalty for a renewal fee more than 30 days after becoming due shall be 100 percent of the amount of the license fee. However, no penalty shall be applicable to the renewal of deputy weighmaster licenses.

Added Stats 1984 ch 646; Amended Stats 1989 ch 818 § 2.

§ 12708. REFUSAL TO GRANT OR RENEW LICENSE: REVOCATION OR SUSPENSION OF LICENSE

The secretary may refuse to grant any license provided for by this chapter, or may refuse to renew any license, and may revoke or suspend any license when, after a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the secretary is satisfied that the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster or has otherwise been found guilty of a misdemeanor as provided in this chapter.

Added Stats 1984 ch 646. Amended Stats 2012 ch 661 § 44.

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§ 12722. USE OF PREDETERMINED TARE WEIGHT: EXEMPTION FOR SPECIFIED ROCK PRODUCTS

(a) In accordance with this chapter and regulations adopted by the secretary, any weighmaster may use a tare weight for a vehicle, container, or pallet that has been previously determined by a weighmaster. It is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the secretary.

(b) Any weighmaster weighing any vehicle moving earth, stone, rock, sand, gravel, or asphalt paving material may use a predetermined tare weight. The issuance of predetermined tare weights are exempt from the provisions of Subchapter 9 (commencing with Section 4400) of Chapter 9 of Title 4 of the California Administrative Code. It is the responsibility of the party for whom the tare weight was established to maintain the actual weight so that the actual tare weight of the vehicle shall at no time exceed the recorded tare weight.

Amended Stats 1986 ch 405 § 5. Amended Stats 2012 ch 661 § 45.

§ 12723. REGULATIONS FOR ESTABLISHMENT OF TARES

The secretary shall adopt regulations for the establishment of vehicle, container, and pallet tares, including, but not limited to, the adoption of conditions of use, certificate requirements, sample size, allowable variations, and procedure to be used to verify common tares.

Amended Stats 1986 ch 405 § 6. Amended Stats 2012 ch 661 § 46.

§ 12724. DETERMINATION OF GROSS AND TARE WEIGHTS: REQUIREMENT THAT ALL PERSONS BE OFF SCALE AND VEHICLE: EXCEPTIONS

(a) Except as provided in this section, a weighmaster weighing a vehicle for certification shall determine both gross and tare weights with all persons off the scale and vehicle, unless both the gross and tare weights are determined without leaving the weighing location.

(b) Predetermined tares for vehicles moving earth, stone, rock, sand, gravel, and asphalt paving material may be determined with the driver in the vehicle, if the gross weight is determined in the same manner and the weighmaster indicates on the weighmaster certificate that the driver was on the vehicle for both gross and tare weight.

Added Stats 1984 ch 646.

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§ 12725. CONDITIONS UNDER WHICH GROSS WEIGHT NOT TO BE CERTIFIED

A weighmaster shall not certify to the gross weight of a vehicle whenever all of the following conditions prevail:

- (a) The scale is located on the site where the vehicle is loaded.
- (b) The vehicle is weighed before entering a highway.
- (c) The vehicle's gross weight exceeds 80,000 pounds, unless a special permit authorizing a greater gross weight for the vehicle has been issued pursuant to Section 35780 of the Vehicle Code.

Added Stats 1984 ch 646.

§ 12726. REWEIGHING UPON COMPLAINT

(a) If doubt or differences arise as to the accuracy of the weight, measure, or count of any amount or part of any commodity, unladen vehicle, or container for which a weighmaster certificate has been issued, a person having a financial interest may, upon complaint to the department, have the amount, or part thereof, verified by the department or a weighmaster designated by it, upon depositing a sufficient sum of money with the department to defray the actual cost of the verification.

(b) If, when verified, a difference from the original certified weight, measure, or count is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of the verification shall be borne by the weighmaster responsible for the issuance of the erroneous certificate.

Added Stats 1984 ch 646; Amended Stats 1992 ch 297 § 5.

§ 12727. WEIGHT VERIFICATION

The secretary may, at any time, require a vehicle to proceed to the nearest vehicle scale for the purpose of weight verification.

Added Stats 1984 ch 646. Amended Stats 2012 ch 661 § 47.

§ 12728. REQUIREMENT THAT ENTIRE VEHICLE REST ON SCALE: EXEMPTION FOR SEED COTTON

(a) No weighmaster shall weigh a vehicle, or combination of vehicles, for certification, when part of the vehicle, or connected combination, is not resting on the scale.

(b) When weighing a combination of vehicles that will not rest on the scale platform at one time, the combination shall be disconnected and weighed separately. The weights so taken may be combined for the purpose of issuing a single certificate.

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accessible and clearly readable to both the buyer and seller, at the time of determination, a weighmaster certificate is required to be issued only when requested by the buyer or seller.

Added Stats 1984 ch 646; Amended Stats 1989 ch 818 § 8.

§ 12734. SQUID OR ANCHOVY

Notwithstanding any other provision of this division, the weight of squid, Pacific whiting, or anchovy, certified pursuant to this chapter, may be determined by computation based upon volumetric measurement of containers as prescribed by regulations adopted by the director. This section does not apply to squid, Pacific whiting, or anchovy delivered for the purpose of retorting or reducing.

Added Stats 1984 ch 646; Amended Stats 1985 ch 162 § 3.

§ 12735. RULES AND REGULATIONS

The secretary may adopt any rules and regulations that are reasonably necessary for the purpose of carrying out this chapter. Adoption of these rules and regulations shall be in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Added Stats 1984 ch 646. Amended Stats 2012 ch 661 § 48.

§ 12736. RULES AND REGULATIONS FOR “SCANNERS”

Added Stats 1988 ch 922 § 4. Amended and Renumbered to § 13303 Stats 2012 ch 661 § 48.

§ 12737. Unattended Weighing Systems Used for Construction Materials

(a) Any weighmaster weighing any vehicle moving construction materials, including, but not limited to, earth, stone, rock, sand, gravel, limestone, ready mixed concrete, cementitious materials, recycled construction materials, or asphalt paving materials may use an unattended weighing system to weigh the vehicle and to issue a weighmaster certificate to buyers who opt to utilize the unattended system, provided that the system and the operation of the system comply with regulations or policies issued by the secretary. The name of the principal weighmaster and the unique system identification number of the unattended weighing system utilized shall be imprinted on the weighmaster certificate and this shall satisfy the requirements of subdivision (c) of Section 12715. Nothing in this section impacts existing weighing and ticketing systems.

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(b) (1) A weighmaster described in subdivision (a) shall pay the department the following license fee for each license year as applicable to the operation, and the fees set forth in Section 12704 shall not apply:

(A) Two hundred dollars (\$200) if the weighmaster is operating at a fixed location.

(B) Seventy-five dollars (\$75) for each additional fixed location at which the weighmaster is operating.

(C) Three hundred dollars (\$300) if the weighmaster is operating at other than a fixed location.

(D) Fifty dollars (\$50) for each deputy weighmaster.

(2) Any fee imposed pursuant to this section shall not exceed the reasonable regulatory costs to the department of enforcing this section.

(c) For purposes of this section:

(1) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the director for expiration of the license, or yearly intervals after the first renewal.

(2) "Location" means a premise on which weighing, measuring, or counting devices are used.

(3) "Principal weighmaster" means the person or entity identified on the weighmaster certificate, as described in subdivision (b) of Section 12714, that may employ or designate any person to act for the weighmaster as a deputy weighmaster pursuant to Section 12710.

(4) "Unattended weighing system" means an automated system not directly under the supervision of a weighmaster that meets the approval, testing, and sealing requirements of Section 12717.

(d) A weighmaster described in subdivision (a) shall keep the same number of deputy weighmaster licensees as were licensed in the average of the last two years proceeding the use of an unattended weighing system.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

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AUTOMATIC CHECKOUT SYSTEMS

CHAPTER 13

Automatic Checkout Systems

ARTICLE 1

Point-of-Sale Displays

- § 13300. Customer Display and Indicator Requirements
- § 13301. Who to Enforce
- § 13302. Repealed
- § 13303. "Scanners"
- § 13304. Expired

§ 13300. CUSTOMER DISPLAY AND INDICATOR REQUIREMENTS

(a) The operator of a business establishment that uses a point-of-sale system to sell goods or services to consumers shall ensure that the price of each good or service to be paid by the consumer is conspicuously displayed to the consumer at the time that the price is interpreted by the system. In any instance in which the business advertises a price reduction or discount regarding an item offered for sale, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings. Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services. The checkout system customer indicator shall be so positioned, and the prices and amounts displayed shall be of a size and form, as to be easily viewable from a typical and reasonable customer position at each checkout location.

(b) For the purposes of this section, "point-of-sale system" means any computer or electronic system used by a retail establishment such as, but not limited to, Universal Product Code scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.

(c) All point-of-sale systems used by a business establishment on and after January 1, 2007, shall comply with the requirement of subdivision (a).

Added Stats 1977 ch 763; Expired by own terms January 1, 1980. Added Stats 2002 ch 818. Amended Stats 2006 ch 566 § 1.

§ 13301. WHO TO ENFORCE

Notwithstanding any other provision of this division, the Attorney General, the district attorney, or city attorney may enforce the provisions of this chapter in accordance with the provisions of Division 5 (commencing with Section 12001) or any other applicable provisions of law.

Added Stats 1977 ch 763; Expired by own terms January 1, 1980. Added Stats 2002 ch 818.

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§ 13302. CIVIL PENALTY FOR VIOLATION OF THIS CHAPTER

Repealed

Added Stats 2002 ch 818. Amended Stats 2012 ch 661 § 50.

§ 13303. "SCANNERS"

The secretary may adopt necessary rules and regulations regarding the accuracy of automated systems for retail commodity price charging referred to as "scanners."

Amended and Renumbered from 12736 Stats 2012 ch 661 § 49.

§ 13304. Expired

Added Stats 1977 ch 763; Expired by own terms January 1, 1980.

ARTICLE 2

Point-Of-Sale System Accuracy Verification

§ 13350. Initial Standard Inspection Procedure: Inspection Fees

§ 13351. "Random Sample"

§ 13352. "Point-Of-Sale System"

§ 13353. "Sale Items"

§ 13354. "Area"

§ 13355. "Initial Standard Inspection"

§ 13356. "Special Inspections"

§ 13357. Repeal Date

§ 13350. INITIAL STANDARD INSPECTION PROCEDURE: INSPECTION FEES

(a) The board of supervisors of any county or city and county that has adopted or that adopts an ordinance for the purposes of determining the pricing accuracy of a retail establishment using a point-of-sale (POS) system, shall base the initial standard inspection of the POS system on the following criteria:

(1) The initial standard inspection shall be performed by collecting a random sample of items that shall include a maximum of 50 percent sale items from either:

- (i) One department of a retail store.
- (ii) Multiple areas of a retail store.
- (iii) The entire store.

(2) The initial standard inspection shall be performed by testing a minimum random sample of 10 items for a retail establishment with three or fewer POS checkout registers.

(3) The initial standard inspection shall be performed by testing a minimum random sample of 25 items for a retail establishment with 4 to 9 POS checkout registers.

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CHAPTER 14

Petroleum

(Added by Stats 1980 ch 636 § 5.)
Formerly Chapter 7 of Division 8
(Repealed Stats 1980 ch 636.)
(Added by Stats 1963 ch 2005 § 2.)

Articles

1. General Provisions. §§ 13400-13405
2. Sale of Petroleum Products. §§ 13410-13413
3. Hours of Business. §§ 13420-13422
4. Motor Oil Fee. §§ 13430-13434
5. Standards for Gasoline. §§ 13440-13443
- 5.5 Standards for Hydrogen. § 13446
6. Standards for Compression-Ignition Engine Fuel, Diesel Fuel, Kerosene and Fuel Oils. §§ 13450-13451
7. Standards for Lubricating Oils and Oils Used to Lubricate Transmissions, Gears or Axles. §§ 13460-13462
8. Price Indications on Petroleum Dispensing Apparatus. §§ 13470-13477
9. Labeling. §§ 13480-13490
10. Tank Vehicles. §§ 13500-13503
11. Basis of Settlement. § 13520
12. Price Sign Advertising. §§ 13530-13540
13. Inducements for the Sale of Gasoline or Motor Fuel. § 13550
14. Passing Off. §§ 13560-13571
15. Adulteration. §§ 13580-13581
16. Enforcement. §§ 13590-13600
17. Penalties. §§ 13610-13611
18. Disposition and Use of Moneys. § 13620
19. Fuel Delivery Temperature Study. § 13630

ARTICLE 1

General Provisions

- § 13400. “Advertising medium”
§ 13401. Definitions of terms
§ 13402. “Standard test”
§ 13403. “Octane number” or “antiknock index number”
§ 13404. “Sale of Compressed Natural Gas as a Motor Vehicle Fuel”
§ 13405. Developmental Engine Fuels

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(m) "Automotive spark-ignition engine fuel" means any product used for the generation of power in a spark-ignition internal combustion engine.

(n) "Compression-ignition engine fuel" means any product used for the generation of power in a compression-ignition internal combustion engine.

(o) "Gasoline-oxygenate blend" means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates. For purposes of this section, "substantial amount" means more than 0.35 mass percent oxygen or, if methanol is the only oxygenate, more than 0.15 mass percent oxygen.

(p) "Oxygenate" means an oxygen-containing, ashless, organic compound such as an alcohol or ether, which can be used as a fuel or fuel supplement.

(q) "Developmental engine fuel" means any experimental automotive spark-ignition engine fuel or compression-ignition fuel which does not meet current standards established by this chapter but has characteristics which may lead to an improved fuel standard or the development of an alternative fuel standard.

(r) "Hydrogen" means a fuel composed of the chemical hydrogen intended for consumption in an internal combustion engine or fuel cell.

Added Stats 1963 ch 2005 § 2; Amended Stats 1968 ch 1072 § 1; Stats 1970 ch 140 § 1; Stats 1975 ch 547 § 1; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 167 § 1; Amended Stats 1993 ch 740 § 1; Amended Stats 1994 ch 521 § 1; Amended Stats 2001 ch 596 § 1; Amended Stats 2005 ch 91 § 2.

§ 13402. "STANDARD TEST"

"Standard test", as used in this chapter, means test conducted in accordance with the latest published standard adopted by the American Society for Testing and Materials.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13403. "OCTANE NUMBER" OR "ANTI-KNOCK INDEX NUMBER"

"Octane number" or "antiknock index number", when used in this chapter, means that number assigned to a spark-ignition engine fuel that designates the antiknock quality. The "octane number" or "antiknock index number" shall be determined according to the ASTM International method or methods designated in the latest ASTM International Standard Specification D-4814.

Amended Stats 1989 ch 1047 § 2. Amended Stats 2012 ch 661 § 51.

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§ 13434. DEPOSIT OF MONEYS IN DEPARTMENT OF FOOD AND AGRICULTURE FUND

The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund and shall be used only for the administration and enforcement of this chapter and Chapter 15 (commencing with Section 13700).

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 1.

ARTICLE 5

Standards for Gasoline

- § 13440. Specifications: Rules and regulations: Standards applicable in adoption thereof**
- § 13440.5. Determining alcohol percentage**
- § 13441. Sale or delivery of nonstandard product**
- § 13442. Sale or delivery of nonstandard product as fuel for internal combustion engines: Display of sign or label: Inapplicability of provisions of article as to words "not gasoline" regarding signs or labels used in connection with certain products**
- § 13443. Specifications of sign or label**

§ 13440. SPECIFICATIONS: RULES AND REGULATIONS: STANDARDS APPLICABLE IN ADOPTION THEREOF

(a) The department shall establish specifications for automotive spark-ignition engine fuels. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the ASTM International or the SAE International, for automotive spark-ignition engine fuel, except that no specification shall be less stringent than required by any California state law.

(b) Any gasoline-oxygenate blend containing methanol shall also contain an alcohol cosolvent (butanol or higher molecular weight alcohol) in an amount equal to or greater than the volume percentage of methanol except those blends previously granted a waiver by the Environmental Protection Agency.

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(c) Any gasoline-oxygenate blend containing ethanol that complies with Section 2258 of Title 13 of the California Code of Regulations, as it reads on the effective date of the act amending this section during the 1993-94 Regular Session, or as amended, may exceed the Reid vapor pressure limits of ASTM D 4814 for the area and season in which the blend is sold at retail by not more than 6.9 kilopascals (1.0 pounds per square inch), except the total Reid vapor pressure shall not exceed 103 kilopascals (15 pounds per square inch).

(d) The antiknock index as defined in Section 13403 for gasoline and gasoline-oxygenate blends shall not be less than 87.

(e) Gasoline and gasoline-oxygenate blends shall meet the latest specifications set forth in ASTM D 4814, except that no specification shall be less stringent than required by any California state law.

(f) Notwithstanding any other provision of this section, gasoline sold for use in Inyo or Mono County, or the portion of Kern County lying east of the Los Angeles County Aqueduct, shall comply with the latest specification set forth in ASTM D 4814 relating to volatility class standards for the season during which the gasoline is sold for either the interior region or the southeast region of California, except that no specification shall be less stringent than is required by any California state law.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1983 ch 1012 § 1; Amended Stats 1985 ch 167 § 2; Amended Stats 1989 ch 1047 § 3; Amended Stats 1993 ch 740 § 2.5; Amended Stats 1994 ch 521 § 2; Amended Stats 1996 ch 489 § 1. Amended Stats 2012 ch 661 § 52.

§ 13440.5. DETERMINING ALCOHOL PERCENTAGE

For purposes of determining the percentage of a motor fuel (including gasohol) which consists of alcohol, the volume of alcohol includes the volume of any denaturant (including gasoline) which is added to the extent that these denaturants do not exceed 5 percent of the volume of the alcohol (including denaturants).

Added Stats 1983 ch 1012 § 2.

§ 13441. SALE OR DELIVERY OF NONSTANDARD PRODUCT

It is unlawful for any person to sell any product as, or purporting to be, gasoline or automotive spark-ignition engine fuel, unless the product conforms to the specifications of this article.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 167 § 2.5.

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ARTICLE 5.5

Standards for Hydrogen

[Added by Stats 2005 ch 91 § 3.]

§13446. STANDARDS ADOPTION

On or before January 1, 2008, the department, with the concurrence of the State Air Resources Board, shall establish specifications for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles until a standards development organization accredited by the American National Standards Institute (ANSI) formally adopts standards for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles. The department shall then adopt by reference the latest standards established by the ANSI-accredited standards development organization for hydrogen fuel for use in internal combustion engines and fuel cells in motor vehicles, except that no specification or standard shall be less stringent than is required by state law.

Added Stats 2005 ch 91 § 3.

ARTICLE 6

**Standards for
Compression-Ignition Engine Fuel, Diesel Fuel, Kerosene and Fuel Oils**

**[Added by Stats 1974 ch 862 § 4.]
Renumbered Stats 1980 ch 636.**

§ 13450. Petroleum product specifications

§ 13451. Sale or delivery of nonstandard compression-ignition engine fuel, diesel fuel, kerosene or fuel oil

§ 13450. PETROLEUM PRODUCT SPECIFICATIONS

The department shall establish specifications for compression-ignition engine fuel, kerosene, and fuel oil. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the ASTM International or the SAE International, for compression-ignition engine fuels, kerosene, and fuel oil, except that no specification shall be less stringent than required by any California state law.

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(a) Diesel fuel shall meet the specifications set forth in ASTM D-975, except that sulfur specifications shall not exceed the maximum specified by any California state law.

(b) Kerosene shall meet the specifications set forth in ASTM D-3699.

(c) Fuel oil shall meet the specifications set forth in ASTM D-396, except that sulfur specifications shall not exceed the maximum specified by any California state law.

Amended Stats 1993 ch 740 § 3. Amended Stats 2012 ch 661 § 53.

§ 13451. SALE OR DELIVERY OF NONSTANDARD COMPRESSION-IGNITION ENGINE FUEL, DIESEL FUEL, KEROSENE OR FUEL OIL

It is unlawful for any person to sell or deliver to any premises for the purpose of sale, any product as or purported to be “compression-ignition engine fuel,” “diesel fuel,” “kerosene,” or “fuel oil,” unless the product conforms to the specifications of this article.

Added Stats 1974 ch 862 § 4; Renumbered Stats 1980 ch 636; Repealed and added Stats 1985 ch 167 §§ 5 and 6; Amended Stats 1993 ch 740 § 4; Amended Stats 1994 ch 521 § 3.

ARTICLE 7

Standards for Lubricating Oils and Oils Used to Lubricate Transmissions, Gears or Axles

**[The heading of Article 4 was amended to read as above by Stats 1968 ch 1072 § 2.]
Renumbered Stats 1980 ch 636.**

- § 13460. Specifications: Products for use in internal combustion engine**
- § 13461. Products for use in lubricating transmissions, gears or axles**
- § 13462. Documentation of claims made upon products' label**

§ 13460. SPECIFICATIONS: PRODUCTS FOR USE IN INTERNAL COMBUSTION ENGINE

Engine oil shall not be sold or distributed for use in an internal combustion engine unless the product conforms to the following specifications:

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(a) It shall meet the engine oil requirements established by the latest revision of the SAE International Standard SAE J183 for engine oil performance and engine service classification.

(b) The flash points for the various SAE International classifications shall not be less than the following when tested in accordance with the latest ASTM International standard method of test for flash and fire points by means of the Cleveland open cup (ASTM D-92):

(c)

Viscosity Classification	Kinematic Viscosity (centistoke) by ASTM D445 at 100° C	Minimum Flash Degrees Fahrenheit
SAE 5W		305
SAE 10W		335
SAE 20W		345
SAE 20		345
SAE 30		355
SAE 40		375
SAE 50		400
SAE 60		435
Grade 70	26.1 to less than 31.7	470

(c) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

(d) Any engine oil that is represented to meet SAE International engine oil performance and engine service classification SA must have a neutralization number as measured by ASTM International method D-974 of 0.20 maximum.

(e) Any engine oil that is represented as “energy conserving” shall meet the requirements established by the latest revision of the SAE International Recommended Practice SAE J-1423.

Repealed and added Stats 1989 ch 1047 §§ 4 and 5. Amended Stats 2012 ch 661 § 54.

§ 13461. PRODUCTS FOR USE IN LUBRICATING TRANSMISSIONS, GEARS OR AXLES

Lubricating oil shall not be sold or distributed for use in lubricating manual transmissions, gears, or axles unless the product conforms to the following specifications:

(a) It meets the service requirements contained in the latest revision of the SAE Information Report on axle and manual transmission lubricants SAE J308.

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(b) The viscosity grade classification number shall be the same as the latest published SAE International Standard SAE J306 when tested in accordance with the latest method published by the ASTM International.

(c) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

Repealed and added Stats 1989 ch 1047 §§ 6 and 7. Amended Stats 2012 ch 661 § 55.

§ 13462. DOCUMENTATION OF CLAIMS MADE UPON PRODUCTS' LABEL

Any manufacturer or packager of any product subject to this article and sold in this State shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

Amended Stats 1977 ch 1226; Renumbered Stats 1980 ch 636; Repealed and added Stats 1989 ch 1047 §§ 8 and 9.

ARTICLE 8

Price Indications on Petroleum Dispensing Apparatus

Renumbered Stats 1980 ch 636.

- § 13470. Display of price sign on dispensing apparatus: Contents of sign**
- § 13470.1. Maximum lawful selling price**
- § 13470.5. Gallon-to-liter conversion table**
- § 13471. Placement of signs**
- § 13472. Dual pricing**
- § 13473. Size of letters and figures**
- § 13474. Legibility of signs**
- § 13475. Fractions as numerals**
- § 13476. Repealed**
- § 13477. Inapplicability to sale for aircraft**

§ 13470. DISPLAY OF PRICE SIGN ON DISPENSING APPARATUS: CONTENTS OF SIGN

No person shall sell at retail to the general public, any motor fuel from any place of business in this state unless there is displayed on the dispensing apparatus in a conspicuous place at least one sign or price indicator showing the actual total price per

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§ 13475. FRACTIONS AS NUMERALS

For the purpose of this article a fraction is considered one numeral.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13476. DISSEMINATION OF FALSE, DECEPTIVE OR MISLEADING INFORMATION AS TO PRICE PROHIBITED

Repealed Stats 1984 ch 698.

§ 13477. INAPPLICABILITY TO SALE FOR AIRCRAFT

The provisions of this article shall not apply to the sale of motor fuel for aircraft through or from any portable dispensing device.

Added Stats 1970 ch 140 § 3; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636.

ARTICLE 9

Labeling

Renumbered Stats 1980 ch 636.

- § 13480. **Sale, etc., of petroleum products from unlabeled containers, etc., unlawful: Viscosity rating: Containers with net content of gallon or less**
- § 13481. **Petroleum products without brand, trademark, etc.: Requisites of label**
- § 13482. **SAE/API service classification: Label requirements**
- § 13483. **Application of rules respecting lettering to signs, etc., at inlet end of storage tanks**
- § 13484. **Placement of signs on pumps, etc.**
- § 13485. **Requirements governing hand measures**
- § 13486. **Filling of tanks, pumps, containers, etc., with, or delivery of, product other than indicated by brand, trademark, etc.**
- § 13487. **Repealed**
- § 13488. **Repealed**
- § 13489. **Authorization of use of pumps or other devices capable of withdrawing gasoline from each of two tanks containing different qualities of same petroleum product and dispensing them as single combined product**
- § 13490. **Authorization of use of pumps or other devices capable of withdrawing gasoline from one tank and motor oil from another tank and dispensing them as a single combined product, or withdrawing gasoline alone**

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§ 13480. SALE, ETC., OF PETROLEUM PRODUCTS FROM UNLABELED CONTAINERS, ETC., UNLAWFUL: VISCOSITY RATING: CONTAINERS WITH NET CONTENT OF GALLON OR LESS

(a) It is unlawful for any person to sell any petroleum product referred to in this chapter at any place where petroleum products are kept or stored for sale, unless there is affixed to each container, receptacle, pump, dispenser, and inlet end of the fill pipe of each underground storage tank, from which or into which that product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of the product, the brand, trademark, or trade name of the product, and, in the case of engine fuel and kerosene, the grade or brand name designation.

(b) When the product is oil, as defined by Section 13401, each sign or label shall also have in letters or numerals, plainly visible, the viscosity grade classification as determined in accordance with the SAE International latest standard for engine oil viscosity classification SAE J300 or manual transmission and axle lubricants viscosity classification SAE J306, as applicable, and shall be preceded by the letters "SAE".

(c) When the product is automotive spark-ignition engine fuel, except M-85 and M-100 methanol fuel, there shall be conspicuously displayed on the dispensing device at least one sign or label showing the minimum octane number or antiknock index, as defined in Section 13403, of the product sold therefrom.

(d) When the product is a motor fuel consisting of a mixture or premixture of gasoline and oil or gasoline-oxygenate blend and motor oil, there shall be conspicuously displayed on the dispensing device at least one sign or label stating the ratio of gasoline to motor oil or gasoline-oxygenate blend to motor oil.

(e) All signs or labels required by this section for retail motor fuel dispensers and containers of more than one gallon capacity shall be in letters and numerals not less than one-half inch (12.70 mm) in height. On containers of one gallon or less, the signs or labels shall be in letters and numerals not less than one-fourth inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in width.

(f) The provisions of this section pertaining to octane numbers or antiknock index and motor oil SAE International viscosity number grade shall not apply to products sold for aviation purposes.

(g) This section shall apply, with respect to thinners or solvents, only to the sale, delivery, or offer for sale of the products through service stations, garages, and other retail outlets.

Amended Stats 1998 ch 459 § 1. Amended Stats 2012 ch 661 § 56.

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AUTOMOTIVE PRODUCTS

CHAPTER 15

Automotive Products

[Formerly Chapter 15, Antifreeze, Added by
Stats 1949, ch 1430 § 1, effective January 1, 1950.
Repealed by Stats 1984 ch 698 § 9.]

[Chapter 15, Automotive Products,
Added Stats 1984, ch 698 § 14.]

Article

1. General Provisions. §§ 13700-13702
2. Specifications and Labeling. §§ 13710-13713
3. Container Requirements. § 13720
4. Enforcement of the Chapter. §§ 13730-13731
5. Unlawful Acts. §§ 13740-13741

ARTICLE 1.

General Provisions

- § 13700. Definitions
- § 13701. Additive to Automatic Transmission Fluids
- § 13702. Legibility of Required Labeling
- § 13703. Repealed
- § 13704. Repealed
- § 13705. Repealed
- § 13706. Renumbered to 13713
- § 13707. Renumbered to 13701
- § 13708. Renumbered to 13702

§ 13700. DEFINITIONS

(a) "Automotive product" means engine coolant or antifreeze, prediluted engine coolant or prediluted antifreeze, brake fluid, and automatic transmission fluid.

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§ 13707. ADDITIVES TO AUTOMATIC TRANSMISSION FLUIDS

Added Stats 1984 ch 698; Amended and Renumbered Stats 1992 ch 322 § 9.

§ 13708. LEGIBILITY OF REQUIRED LABELING

Added Stats 1984 ch 698; Amended and Renumbered Stats 1992 ch 322 § 10.

ARTICLE 2.

Specifications and Labeling

§ 13710. Minimum specifications

§ 13710.5. Expired

§ 13711. Mislabeled

§ 13712. Brake fluid receptacles exempt from container labeling requirements

§ 13713. Adulterated products

§ 13710. MINIMUM SPECIFICATIONS

- (a) (1) The department shall establish specifications for engine coolants and antifreeze, and prediluted engine coolants and prediluted antifreeze that promote the public safety in the operation of motor vehicles.
- (2) In addition to paragraph (1), if the ASTM International adopts standards for recycled engine coolants and antifreeze, the department, on or before January 1, 2002, shall establish specifications for recycled engine coolants and antifreeze, and recycled prediluted engine coolants and antifreeze that promote the public safety in the operation of motor vehicles.
- (3) The chemical, physical, and performance specifications for engine coolants and antifreeze and prediluted engine coolants and prediluted antifreeze under paragraphs (1) and (2) shall not fall below the minimum specifications, if any, established by the ASTM International. Engine coolant and antifreeze shall not contain, after dilution with 30 percent water and subsequent mixing, visually identifiable suspended matter or sediment. Prediluted engine coolant and prediluted antifreeze shall not contain, after mixing, visually identifiable suspended matter or sediment.
- (4) For purposes of this subdivision, the department shall adopt testing procedures and shall specify a virgin reference coolant that it finds is recognized as standard in the industry. Alcohol-based coolants and antifreeze, excluding glycols, are not suitable for use in automotive engines and shall not be sold or distributed for automotive use.

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(b) Any automatic transmission fluid sold without limitation as to type of transmission for which it is intended, shall meet all automotive manufacturers' recommended requirements for transmissions in general use in the state. Automatic transmission fluids that are intended for use only in certain transmissions, as disclosed on the label of its container, shall meet the latest automotive manufacturers' recommended requirements for those transmissions.

(c) The department shall establish specifications for brake fluid that promote the public safety in the operation of automotive vehicles. The specifications for brake fluid shall not fall below the minimum specifications established by the National Highway Traffic Safety Administration of the United States Department of Transportation.

(d) Any manufacturer or packager of any product regulated by this chapter and sold in the state shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

Amended Stats 1999 ch 494 § 2. Amended Stats 2012 ch 661 § 57.

§ 13710.5. VARIANCE FROM ENGINE/ANTIFREEZE STANDARDS FOR RECYCLED PRODUCTS

Added Stats 1997 ch 634 § 1; Amended Stats 1999 ch 494 § 3; Expired by own terms January 1, 2003.

§ 13711. MISLABELING

- (a) An engine coolant or antifreeze is mislabeled if any of the following occurs:
- (1) The container does not bear a label on which is printed the brand name, principal ingredient, intended application of the coolant or antifreeze, name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure.
 - (2) The container does not bear a chart on the label showing appropriate amounts of engine coolant or antifreeze and water in terms of liquid measure to be used to provide protection from freezing at temperatures to at least 30 degrees below zero Fahrenheit.
 - (3) The container does not bear a statement on the label showing the boiling point of a 50 percent by volume mixture of engine coolant or antifreeze and water in degrees Fahrenheit.
 - (4) The container is one quart or less and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least 1/8 inch high on the principal display panel. The container is greater than one quart and does not bear a label on which is printed the words "engine coolant" or "antifreeze" in letters at least 1/4 inch high on the principal display panel.

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