

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7.7 of Division 5 (Repealed by Stats. 1984 Ch 646).

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### § 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 (Effective January 1, 2017)**

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.
- (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

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(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.
- (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.

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- (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) 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.*

**§ 12703. LICENSE, FEE, AND/OR PENALTY REQUIRED**

Except as provided in Section 12701, no person shall perform any acts described in Section 12700, unless licensed as a weighmaster pursuant to this chapter and unless the current license fee and any penalty has been paid. The weighmaster shall forward to the department the name or names of deputy weighmasters with the appropriate fees required by Section 12704.

*Added Stats. 1984 ch 1686; Repealed Stats. 1985 ch 162 § 1; Added Stats. 1984 ch 646 § 4; Amended Stats. 1992 ch 297 § 2.*

**§ 12703.1. JUNK DEALERS AND RECYCLERS**

(a) In addition to any other requirements for issuance of a license pursuant to this chapter, if the applicant is a recycler or junk dealer as defined in Section 21601, the department shall require the applicant to furnish all of the following information accurately on any application for a new license or the renewal of a license issued pursuant to this chapter:

- (1) A copy of the applicant’s current business license.
- (2) A statement indicating that the applicant has either filed an application for a stormwater permit or is not required to obtain a stormwater permit.
- (3) A statement indicating that the applicant has the equipment necessary to comply with the photographic and thumbprinting requirements for the purchase and sale of nonferrous materials pursuant to Section 21608.5 or a statement indicating that the applicant will not be purchasing or selling nonferrous materials and is not required to comply with Section 21608.5.
- (4) A statement indicating that the applicant has requested to receive theft alert notifications pursuant to subdivision (a) of Section 21608.7, unless that requirement does not apply pursuant to subdivision (b) of that section.
- (5) The name or names of any deputy weighmasters.

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- (b) The department shall issue a license to a junk dealer or recycler upon receipt of an application for a new license or renewal of a license that contains the information required by subdivision (a) and that is accompanied by the appropriate fee.
- (c) (1) On or before December 31, 2014, upon issuance of a license to a junk dealer or recycler, or renewal of such a license, the department shall make a thorough investigation of all of the information contained in the application within 90 days. If the license is issued or renewed on or after January 1, 2015, the department shall make a thorough investigation of all the information contained in the application within 90 days for a new license, and within one calendar year for a renewal of a license.  
  
(2) Notwithstanding Section 12708, if the department determines that the information submitted pursuant to subdivision (a) is materially inaccurate, the department shall revoke the license issued to a junk dealer or recycler unless the junk dealer or recycler complies with the requirements of subdivision (a) within 14 days of notice from the department of a proposed revocation pursuant to this subdivision.  
  
(3) A junk dealer or recycler whose license has been revoked pursuant to this subdivision is entitled to a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (d) The secretary may enter into a cooperative agreement with any county sealer to carry out the provisions of this section.
- (e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

*Added Stats. 2013 ch 518, § 2; Amended Stats. 2014 ch 608 § 2.*

### **§ 12704. LICENSE FEE (Effective January 1, 2014 to December 31, 2018)**

- (a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:
  - (1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.
  - (2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.
  - (3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.
  - (4) Twenty dollars (\$20) for each deputy weighmaster.

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- (b) In addition to the license fees set forth in subdivision (a), a weighmaster who is a recycler or a junk dealer as defined in Section 21601 or is performing services on behalf of a recycler or junk dealer shall also pay to the department the following license fee for each license year as applicable to the operation:
- (1) Five hundred dollars (\$500) if the weighmaster is operating at a fixed location.
  - (2) Five hundred dollars (\$500) for each additional fixed location at which the weighmaster is operating.
  - (3) Five hundred dollars (\$500) if the weighmaster is operating at other than a fixed location.
- (c) "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 secretary for expiration of the license, or yearly intervals after the first renewal.
- (d) "Location" means a premise on which weighing, measuring, or counting devices are used.
- (e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

*Added Stats. 1984 ch 646; Amended Stats. 1987 ch 495 § 1; Amended Stats. 2013 ch 518 § 3.*

### **§ 12704. LICENSE FEE (Effective January 1, 2019)**

- (a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:
- (1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.
  - (2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.
  - (3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.
  - (4) Twenty dollars (\$20) for each deputy weighmaster.
- (b) "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 secretary for expiration of the license, or yearly intervals after the first renewal.
- (c) "Location" means a premise on which weighing, measuring, or counting devices are used.

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(d) This section shall become operative on January 1, 2019.

*Added Stats. 2013 ch 518, § 4.*

### **§ 12705. CHANGE IN LEGAL ENTITY OF LICENSEE**

Any change in the legal entity of a licensed weighmaster requires the new legal entity to obtain a weighmaster license before operating as a weighmaster.

*Added Stats. 1984 ch 646 § 4.*

### **§ 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 § 4: 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 no 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 § 4: 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, § 4; Amended Stats. 2012 ch 661 § 44.*

**§ 12709. DISPOSITION OF LICENSE FEES (Effective January 1, 2014 to December 31, 2018)**

(a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter, except as provided in subdivision (b).

(b) License fees collected pursuant to subdivision (b) of Section 12704 shall be deposited in a special account in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of Section 12703.1.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 2013 ch 518, § 5.*

**§ 12709. DISPOSITION OF LICENSE FEES (Effective January 1, 2019)**

(a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

(b) This section shall become operative on January 1, 2019.

*Added Stats. 2013 ch 518 § 6*

**§ 12710. DEPUTY WEIGHMASTERS**

A weighmaster may employ or designate any person to act for the weighmaster as a deputy weighmaster and shall be responsible for all acts performed by that person.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1987 ch 495 § 2; Amended Stats. 1989 ch 818 § 3; Amended Stats. 1992 ch 247 § 3.*

**§ 12710.5. FAILURE TO SUBMIT DEPUTY NAMES**

- (a) At any time during the license year, any weighmaster may replace deputies without payment of additional fees by forwarding to the department the name of any replacement deputy and replaced deputy.
- (b) Any weighmaster who does not furnish to the department a deputy name as required by this section is guilty of an infraction, and, upon conviction, may be punished by a fine of not more than one hundred dollars (\$100).
- (c) A weighmaster may increase the original number of deputies by submitting a new application accompanied by appropriate fees, for the additional number of deputy licenses requested, which shall expire on the date stated on the weighmaster license.

*Added Stats. 1989 ch 818 § 4.*

**§ 12711. WHEN WEIGHMASTER CERTIFICATE TO BE ISSUED**

A weighmaster shall issue a weighmaster certificate whenever payment for the commodity or service represented is dependent on a written or printed weight, measure, or count.

*Added Stats. 1984 ch 646, § 4.*

**§ 12712. ISSUANCE OF CERTIFICATE BY ONE OTHER THAN WEIGHMASTER MAKING DETERMINATION: TRANSFER OF WEIGHT OR MEASURE TO OTHER CERTIFICATE**

- (a) A weighmaster certificate may be signed and issued by a weighmaster other than the weighmaster actually determining the weight, measure, or count of any commodity, if both of the following conditions are met:
  - (1) The weighmaster issuing the certificate does so based on information received from the weighmaster who actually determined the weight, measure, or count and both are on the same principal license.

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- (2) The records and worksheets, signed by the weighmaster who actually weighed, measured, or counted the commodity, are maintained as a part of the weighmaster's records in a manner so as to ensure their identity with the certificate issued.
- (b) A weighmaster may transfer a weight, measure, or count appearing on a weighmaster certificate to another weighmaster certificate, if the original certificate number and name of the issuing weighmaster appear on the second certificate.

*Added Stats. 1984 ch 646, § 4.*

### **§ 12713. RESPONSIBILITY FOR COMPLETENESS OF CERTIFICATE: RECEIPT SHOWING WEIGHT, MEASURE, OR COUNT OF FISH, MOLLUSKS, OR CRUSTACEANS AS WEIGHMASTER CERTIFICATE**

- (a) A weighmaster is responsible for ensuring that the weighmaster certificates issued by him or her, or a deputy acting for him or her, are complete and contain all the information required by Sections 12714, 12714.5, and 12715 that is applicable to each transaction.
- (b) It is unlawful to issue, or cause to be issued, a weighmaster certificate if the certificate does not contain all the information required by Sections 12714, 12714.5, and 12715 for the commodity weighed, measured, or counted. The issuance of a receipt showing the weight, measure, or count of fish, mollusks, or crustaceans pursuant to Article 6 (commencing with Section 8010) of Chapter 1 of Part 3 of Division 6 of the Fish and Game Code constitutes the issuance of a weighmaster certificate under this chapter when issued by a person who is a weighmaster pursuant to Section 12700.

*Added Stats. 1984 ch 646; Amended Stats. 1986 ch 405 § 1.*

### **§ 12714. LEGEND AND WEIGHMASTER'S NAME TO APPEAR ON CERTIFICATE**

- (a) There shall appear in an appropriate and conspicuous place on each certificate, and all copies thereof, the following legend:

#### WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

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- (b) There shall also appear on each certificate, and all copies thereof, the printed name of the principal weighmaster as it appears on the license.

*Added Stats. 1984 ch 646, § 4.*

### **§ 12714.5. INFORMATION ON CERTIFICATE TO BE LEGIBLE: CONSECUTIVE NUMBERING**

All information contained on the certificate shall be clear and legible. Each certificate shall be numbered consecutively.

*Added Stats. 1984 ch 646, § 4.*

### **§ 12715. CONTENTS OF CERTIFICATE**

Each certificate shall provide for the following information as applicable to the transaction:

- (a) The date on which the weight, measure, or count was determined.
- (b) The street address or location description and the city or township where the weighing, measuring, or counting occurred.
- (c) The complete signature of the weighmaster who determined each weight, measure, or count. The name of a weighmaster may be imprinted electronically on the weighmaster certificate in lieu of a handwritten signature, if the electronically imprinted name is that of the weighmaster who weighed, measured, or counted the commodity or that of another weighmaster pursuant to Section 12712.
- (d) The kind of commodity and any other information that may be necessary to identify the product or distinguish it from a similar commodity.
- (e) The number of units of the commodity. If not personally determined by a weighmaster, the certificate shall contain the words "driver's count" or "loader's count," as appropriate, after the number of commodity units. The abbreviation "D.C." or "L.C." may be used in lieu of the complete words.
- (f) The name of the owner, or his or her agent, and the consignee. If the transaction involves hay or hay products, the name and address of the grower, and his or her agent, as provided by the driver of the vehicle.
- (g) At least one of the following:
  - (1) The gross weight of the commodity and the vehicle or container, if only the gross weight was determined.

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- (2) The tare weight of the unladen vehicle or container, if only the tare weight was determined.
- (3) The gross, tare, and net weights when a gross and tare are used in determining the net weight.
- (4) The true net weight, measure, or count when no gross and tare weights are involved in determining the net quantity of the product.
- (h) The tare weights, and the code identification or description of boxes, bins, pallets, or other containers.
- (i) The correct identification of the vehicle, combination of vehicles, or other means by which the commodity was delivered. If an equipment number is used to identify a vehicle or combination of vehicles, there shall be traceability to the registered vehicle license numbers through the weighmaster's records.
- (j) The unit of measure, such as pounds, tons, gallons, kilograms, or cubic yards, used to identify the quantity.

*Added Stats. 1984 ch 646, §4; Amended Stats. 1986 ch 405 § 2; Amended Stats. 1992 ch 203 § 1.*

### **§ 12715.5. CERTIFICATES IN USE ON DECEMBER 31, 1984**

*Added Stats. 1984 ch 646, § 4; Repealed Stats. 1989 ch 818 § 5.*

### **§ 12716. RECORDKEEPING: INSPECTION**

All weighmasters shall keep and preserve, as records, for a period of four years, all copies of voided certificates, records, and worksheets required by this chapter and true copies of all weighmaster certificates issued. These records shall, at all times, be open for inspection by the director.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1986 ch 405 § 3.*

### **§ 12716.5. CORRECTION OF ERRORS**

A certificate on which a weight, measure, or count error is discovered after issuance shall be corrected by issuing a correction certificate to all parties who were issued the original certificate.

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The word "INCORRECT" shall be written across the face of the original certificate. The original certificate number and reason for the correction shall be recorded on the correction certificate.

*Added Stats. 1984 ch 646, § 4.*

### **§ 12717. APPROVAL, TESTING, AND SEALING OF WEIGHING OR MEASURING DEVICE**

Any weighing, measuring, or counting instrument or device, as defined in Section 12500, which is used by a weighmaster and for which specifications and tolerances have been adopted by the director, shall be approved, tested, and sealed in accordance with this division.

*Added Stats. 1984 ch 646, § 4.*

### **§ 12718. ACTS CONSTITUTING MISDEMEANORS**

Any person who does any of the following acts is guilty of a misdemeanor:

- (a) Requests any person to weigh, measure, or count any commodity falsely or incorrectly.
- (b) Requests a false or incorrect weighmaster certificate.
- (c) Furnishes or gives false information to a weighmaster for use in the completion of a weighmaster certificate.
- (d) Knowingly presents for payment a false weighmaster certificate.
- (e) Knowingly issues a weighmaster certificate giving thereon a false weight, measure, or count.
- (f) Alters a weighmaster certificate resulting in giving thereon a false weight, measure, or count.
- (g) Possesses unfilled or unused weighmaster certificate forms, if he or she is not a weighmaster.
- (h) Issues a weighmaster certificate that contains alterations or omissions of gross or tare weights, net only weights, or measurements.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1989 ch 818 § 6; Amended Stats. 1992 ch 297 § 4.*

**§ 12718.5. LAWFUL POSSESSION OF UNFILLED OR UNUSED WEIGHMASTER CERTIFICATE FORMS BY PERSONS OTHER THAN WEIGHMASTERS**

Subdivision (g) of Section 12718 does not apply to any of the following:

- (a) Persons engaged in the business of printing, distributing, or selling weighmaster certificate forms.
- (b) Persons possessing or transporting combination grade and weight certificates to be used by employees of marketing order boards or grading inspection services of either the department or the United States Department of Agriculture.

*Added Stats. 1984 ch 646, § 4.*

**§ 12719. CHANGE OF NET CONTENTS AFTER RECORDATION OF WEIGHT**

When the weight or measure of a vehicle, container, or pallet and its net contents has been recorded on a weighmaster certificate, it is unlawful for any person to remove a part of, or add to, the net contents, before the contents are delivered to the buyer or consignee, unless a correct weighmaster certificate is obtained.

*Added Stats. 1984 ch 646, § 4.*

**§ 12720. ALTERATION OF TARE WEIGHT OF VEHICLE PRIOR TO DETERMINING NET WEIGHT OF COMMODITY**

When the tare weight of a vehicle or the weight of the vehicle and its contents have been recorded on a weighmaster certificate, it is unlawful for any person to alter the tare weight of the vehicle prior to the time that the net weight of the commodity has been determined and recorded on the certificate.

*Added Stats. 1984 ch 646, § 4.*

**§ 12721. TIME FOR WEIGHING, MEASURING, OR COUNTING VEHICLE, CONTAINER, OR PALLET**

Except as otherwise provided in this chapter, the vehicle, container, pallet, or commodity for which the weight, measure, or count is being certified shall actually be weighed, measured, or counted at the time of, and for the purpose of, each certification.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1986 ch 405 § 4.*

**§ 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 § 4.*

**§ 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 § 4.*

**§ 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, § 4; 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, § 4; 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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- (c) This section does not prohibit weighing of vehicles to determine compliance with the Vehicle Code.
- (d) This section does not apply to any of the following:
  - (1) The weighing of seed cotton for purposes of ginning when the weights are obtained by weighing trailers not equipped with braking systems and are not used for the sale of the seed cotton.
  - (2) Multiple draft or in-motion weighing operations that comply with the regulations adopted pursuant to Section 12107.
  - (3) A combination of multiple railcars that contain grain or grain products if the consignor and the consignee to the transaction agree in writing to a multiple draft weighing operation.

*Added Stats. 1984 ch 646, §4; Amended Stats. 1992 ch 522 § 1; Amended Stats. 1997 ch 233 § 1.*

### **§ 12729. MISDEMEANORS: INFRACTIONS: FINES**

- (a) Except as otherwise provided in this section, any person who violates any provision of this chapter is guilty of a misdemeanor.
- (b) Violations of Sections 12714, 12714.5, and 12715 are infractions, except as otherwise provided in Section 12718. Every person convicted of an infraction pursuant to this subdivision shall be punished as follows:
  - (1) For the first conviction, a fine not exceeding one hundred dollars (\$100).
  - (2) For a second conviction within a period of one year, a fine not exceeding two hundred dollars (\$200).
  - (3) For a third or subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500).
- (c) A violation of Section 12722 by a vehicle hauling bulk tomatoes is an infraction. Every person convicted of an infraction pursuant to this subdivision shall be punished as follows:
  - (1) For a vehicle that exceeds the tolerance provided by regulations adopted pursuant to Section 12723 by less than 50 percent, a fine not exceeding two hundred dollars (\$200).

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- (2) For a vehicle that exceeds the tolerance provided by regulations adopted pursuant to Section 12723 by 50 to 100 percent, inclusive, a fine not exceeding four hundred dollars (\$400).
- (3) For a vehicle that exceeds the tolerance provided by regulations adopted pursuant to Section 12723 by more than 100 percent, a fine not exceeding eight hundred dollars (\$800).

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1989 ch 818 § 7; Amended Stats. 1990 ch 529 § 1; Amended Stats. 1993 ch 87 § 1.*

### **§ 12729.5. STATISTICAL COMPARISON OF WEIGHT VIOLATIONS BY VEHICLES HAULING BULK TOMATOES**

*Added Stats. 1990 ch 529 § 3; Repealed Stats. 1993 ch 87 § 3.*

### **§ 12730. FARM PRODUCTS**

- (a) Except as provided in subdivision (a) or (b) of Section 12701 or this section, farm products sold by bulk weight or delivered to a processing or conditioning establishment for processing, conditioning, or sale, shall be weighed by a weighmaster, and a weighmaster certificate of the weight shall be issued to the producer with a duplicate copy issued to the buyer, conditioner, or processor.
- (b) When the processing or conditioning charges or purchase is based on the bulk weight of the finished product, the finished product shall also be weighed by a weighmaster, and a second weighmaster certificate shall be issued to the producer with a duplicate copy issued to the buyer, conditioner, or processor.
- (c) A producer whose product is delivered, but is not sold, to a processor or conditioner for processing or conditioning, may waive, in writing, his or her right to have the product weighed when the processing or conditioning establishment is operated by a producer of farm products and the processing or conditioning is incidental to the production of farm products. As used in this subdivision, "incidental" means that the income derived from the processing or conditioning operation represents not more than 25 percent of the total income of the producer operating the processing or conditioning establishment.
- (d) This section does not apply to any nonprofit cooperative association that is organized and operating pursuant to Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code, except as to that portion of activities that involves the handling or dealing in any farm product of any nonmember of the nonprofit cooperative association.
- (e) Subdivision (a), as it applies to tree nuts delivered for processing or conditioning, does not apply to tree nut hullers and shellers, if there is a written contract which waives the producer's right to have the unprocessed or unconditioned product weighed.

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Notwithstanding the waiver, the finished product shall be weighed by a weighmaster and a weighmaster certificate shall be issued to the grower, with a duplicate copy issued to the buyer, conditioner, or processor.

- (f) The term “farm products” includes all agricultural, horticultural, viticultural, and vegetable products of the soil, flaxseed, and cottonseed, but does not include timber, timber products, milk, and milk products.

*Added Stats. 1984 ch 646, § 4; Amended Stats. 1985 ch 162 § 2; Amended Stats. 1994 ch 273 § 1.*

### **§ 12731. LIVESTOCK**

- (a) Notwithstanding any other provisions of this code, where livestock is sold on the basis of weight at a public sales yard, or by or at any livestock market, market agency, or dealer which is subject to the Packers and Stockyards Act of 1921 (7 U.S.C. Sec. 181 et seq.), the livestock shall be weighed by a weighmaster, and a weighmaster certificate shall be issued to the buyer and seller.

- (b) The term “livestock” includes cattle, sheep, swine, horses, mules, and goats.

*Added Stats. 1984 ch 646 § 4.*

### **§ 12732. ADJUSTMENTS TO LOAD: COMMODITY WEIGHTS DETERMINED AT OTHER THAN SITE WHERE VEHICLE WAS LOADED**

In addition to the certificate requirements of Sections 12714, 12714.5, and 12715, all of the following information shall appear on weighmaster certificates issued when adjustments are made to the load and the weights are determined at other than the site where the vehicle was loaded.

- (a) The gross weight of the commodity and the vehicle at the time of the initial weighing.
- (b) The gross weight of the commodity and the vehicle after the adjustment.
- (c) The name and address of the seller and of either the purchaser or broker of the commodity as provided by the driver of the vehicle.

*Added Stats. 1984 ch 646 § 4; Amended Stats. 1986 ch 405 § 7.*

### **§ 12733. SCRAP METAL AND SALVAGE MATERIALS**

In all cases where scrap metal and salvage materials are purchased or sold by dealers, brokers, or commission merchants on the basis of weight or measure, the quantity of the scrap metal and salvage material shall be determined by a weighmaster, and a weighmaster

certificate shall be issued to the seller and buyer. Settlement for the materials shall be made on the quantity shown thereon. If the quantity indications are readily 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 § 4; 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 § 4; 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 § 4; 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 (Effective January 1, 2013 to December 31, 2019)**

- (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

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this shall satisfy the requirements of subdivision (c) of Section 12715. Nothing in this section impacts existing weighing and ticketing systems.

- (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, which 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.

**§ 12737. UNATTENDED WEIGHING SYSTEMS USED FOR CONSTRUCTION MATERIALS (Effective January 1, 2020)**

- (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.
- (b) (1) A weighmaster shall pay the department the following license fee for each license year as applicable to the operation:
- (A) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.
  - (B) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.
  - (C) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.
  - (D) Twenty dollars (\$20) 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.

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(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) This section shall become operative on January 1, 2020.

*Added Stats. 1988 ch 922 § 4. Amended Stats. 2012 ch 344 § 1 and § 2.*

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