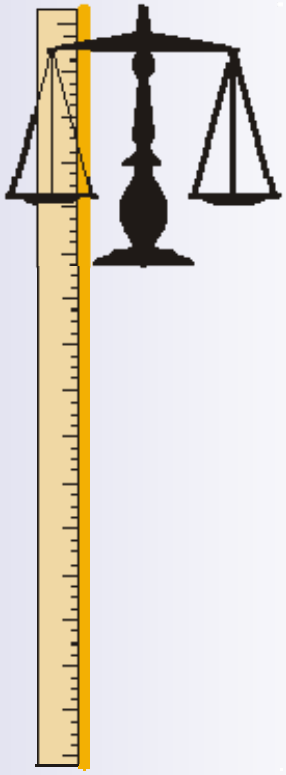
Division of Measurement Standards

Training Module



Eleven

Weighmaster Enforcement

Training for the Weights and Measures Official

TRAINING FOR THE WEIGHTS AND MEASURES OFFICIAL

CURRICULUM

MODULE 11 - WEIGHMASTER ENFORCEMENT

Module 1 - Introduction to Weights and Measures

Module 2 - Laws and Regulations

Module 3 - Enforcement Procedures

Module 4 - Legal Action

Module 5 - Legal Metrology

Module 6 - Field Standards and Test Equipment

Module 7 - Basic Weighing and Measuring Principles

Module 8 - Device Type Evaluation

Module 9 - Weighing Devices

Module 10 - Measuring Devices

Module 12 - Petroleum Products

Module 13 - Quantity Control

Module 14 - Service Agencies and Agents

Acknowledgment

Developing a training program for weights and measures officials is a challenging and ambitious project. It requires time, dedication, and expertise from many individuals.

It is impossible to list the names of the many people who contributed to the development of this course. However, gratitude is extended to the following groups whose dedication and commitment made this training module a reality.

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Module Eleven
Weighmaster Enforcement

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Introduction

Welcome to "Weighmaster Enforcement". This is the eleventh module in the series "Training for the Weights and Measures Official." It will cover the definition of a weighmaster, the two categories of weighmasters, and some history about the weighmaster program.

At the end of each segment in this module you will find a series of self-evaluation questions to test your knowledge. Although you are not required to complete the self-evaluation, we encourage you to take a few minutes to read the questions before moving on to the next segment. Answers are provided at the end of the module. If you are unsure of a response, reread the training material and it will give you the information you need.

Module Objectives

When you have completed this module you will be able to understand and apply:

- The applicable laws and regulations of the Business and Professions Code and the California Code of Regulations governing weighmaster operations.
- The basic weighmaster licensing requirements.
- The basic requirements for weighmaster certificate content.
- The basic steps in conducting a weighmaster location inspection.
- The procedures required in establishing and/or maintaining various types of carried and average tare weights.
- The volumetric conversion procedure for squid, Pacific Whiting and anchovy.
- End product testing and complaint investigation.

Introduction to Weighmaster Enforcement

This segment will introduce the inspector to the Weighmaster Enforcement Program. The Weighmaster Enforcement Program assures that commercial transactions based on quantities certified on a weighmaster certificate are accurate. The Program licenses as weighmasters, individuals or firms who weigh, measure or count bulk commodities and issue certificates of accuracy of the weight, measure or count.

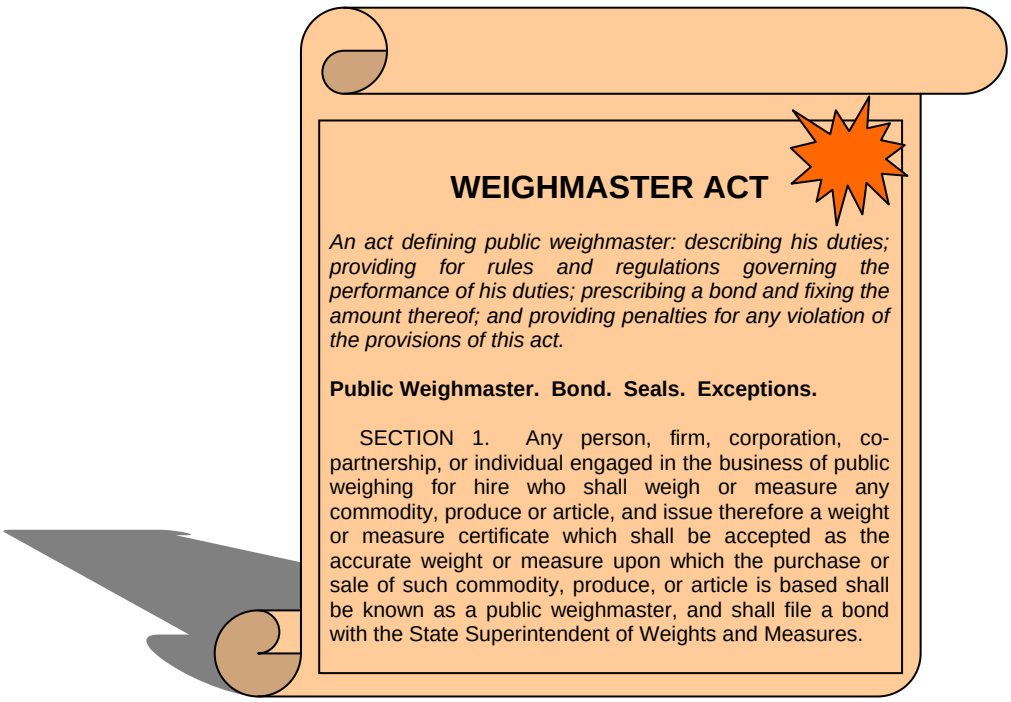
A weighmaster is described as:

> ***---any person (or business) 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 the basis for either the purchase or sale of that commodity or charge for service.***

A weighmaster is not required to provide weighing services to the general public. A deputy weighmaster is any person the weighmaster designates to perform weighmaster duties on behalf of the weighmaster.

History

The Weighmaster Act was approved by the Legislature in 1915 and defined a public weighmaster and his duties. Furthermore, the Act required the weighmaster to file a bond with the state (which was repealed years later) and provided penalties for violation of the Act. A uniform weighmaster certificate was also adopted for the weighmaster.



WEIGHMASTER ACT

An act defining public weighmaster: describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act.

Public Weighmaster. Bond. Seals. Exceptions.

SECTION 1. Any person, firm, corporation, co-partnership, or individual engaged in the business of public weighing for hire who shall weigh or measure any commodity, produce or article, and issue therefore a weight or measure certificate which shall be accepted as the accurate weight or measure upon which the purchase or sale of such commodity, produce, or article is based shall be known as a public weighmaster, and shall file a bond with the State Superintendent of Weights and Measures.

Weighmaster Licensing

Currently, there are approximately 4,245 principal weighing locations, 2,064 branch weighing locations, and 42,576 deputy weighmasters licensed in California. Over $78 billion in commodities and services are bought and sold annually based on weighmaster certificates.

> A weighmaster at a **fixed location** is defined as a person who performs weighing, measuring or counting services, and issues a weighmaster certificate or memorandum of that weight, measure or count, at a permanent physical location or address. A weighmaster may license additional permanent locations, which are termed "branch" locations.
>
> A weighmaster at a **non-fixed location** performs the same services as a weighmaster at a fixed location, except that a non-fixed location weighmaster performs these services at random, non-established or unpredictable locations, such as a gunite applicator guniting swimming pools or a scrap metal dealer buying at the various locations using a portable scale.

A weighmaster may operate both fixed and non-fixed locations under the same weighmaster license.

Before any person or entity performs the acts of a weighmaster, including deputy weighmasters, they must first complete and submit a weighmaster license application to the California Department of Food and Agriculture along with the required license fees. (Persons that are exempt from the weighmaster licensing requirements are defined in Section 12701 of the Business and Professions Code.)

The annual fees for licensing weighmasters and deputies are:

- Seventy-five dollars ($75) -- Weighmaster is operating at one fixed location
- Thirty dollars ($30) -- Each additional fixed location
- Two hundred dollars ($200) -- Weighmaster is operating at non-fixed location(s)
- Twenty dollars ($20) -- Each deputy weighmaster

Example of a Weighmaster License

CDFA

DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS
8500 FRUITRIDGE ROAD,SACRAMENTO,CA 95826

License No. 010613

44-051(Rev 1/02)
Phone # : (916)-229-3040 Fax # (916)-229-3055 Email Address: dms@cdfa.ca.gov Web Site: www.cdfa.ca.gov/dms

WEIGHMASTER LICENSE

THIS LICENSE SHALL BE AVAILABLE TO WEIGHTS AND MEASURES OFFICIALS AT EACH WEIGHING LOCATION.
Only persons listed below may perform the functions of a deputy for the Weighmaster named below.
(Section 12703 Business and Professions Code)

ABC, INC.
(DBA) FRUITRIDGE RECYCLING

7630 FRUITRIDGE RD.
SACRAMENTO, CA 95826

License No	**010613**
License Revised	**2/26/2003**
License Expires	**02/01/2004**

Principal Location

Corporation
7630 Fruitridge Rd. & (various)
Sacramento CA 95826
Sacramento
(916) 229-3122

Principal Fee	$75.00
Non-Fixed Fee	$200.00
1 Addl. Location @ $30.00	$30.00
4 Deputies @ $20.00	$80.00
Total Remitted	**$385.00**

-------This is not a Bill-------

INSTRUCTIONS FOR ADDING AND DELETING DEPUTY OR ADDITIONAL LOCATIONS, GO TO:
http://www.cdfa.ca.gov/dms/pdfs/WMAppHelp.pdf
You are responsible to renew this license. If you do not receive a renewal notice, your current license should be used to renew.
Mail it with fees to: Cashier, Department of Food and Agriculture, P.O.Box No 942872,Sacramento, CA -94271-2872

Additional Location(s)

8501 Fruitridge Sacramento 34
(916) 229-3100

Deputies

PROSS, RANDY ROLES, MARY SMITH, JOE
SMOTHERS, ANN

Number of Vacant Deputy Positions: 0

SELF-EVALUATION QUESTIONS

1. What is the definition of a weighmaster?
2. How would you define a weighmaster at a non-fixed location?
3. Can a weighmaster operate a fixed location and a non-fixed location under the same weighmaster license?

Weighmaster Certificates

This segment will familiarize the inspector with types of weighmaster certificates used in various industries and what information is required to be on them. Weighmaster certificates are issued as the basis to buy or sell the commodity weighed, measured or counted and identified on the certificate **or** to charge for a service based on the quantity indicated on the certificate; i.e., charge for moving household goods. Furthermore, the weighmaster certificate is a legal and negotiable document that binds the buyer and seller. It is a document on which various specific information is required, which places it as a contractual agreement between the financially interested parties for payment of goods or services sold or purchased on the basis of weight, measure or count. The certificate is ***required*** to be issued whenever payment for the commodity or service is dependent on a written or printed weight, measure or count. [Business and Professions Code (BPC) 12711]

Weighmaster certificate formats are as varied as the weighmasters who issue them and the commodities indicated on them. Weighmasters generally order their certificates from a printing company or generate their certificates using their own computer software. Although weighmaster certificates are not required to be approved by the California State Division of Measurement Standards, it is recommended that a sample certificate be sent in for review with any new weighmaster license application.

Because the weighmaster certificate is the document that states a commodity has been weighed, measured or counted accurately, it can only be issued by a licensed weighmaster, and/or their deputy weighmasters, who are currently licensed as such with the State of California, Department of Food and Agriculture, Division of Measurement Standards.

> *Pursuant to BPC Section 12713(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 BPC Sections 12714, 12714.5, and 12715 that is applicable to each transaction.*
>
> *Pursuant to BPC Section 12713(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 BPC Sections 12714, 12714.5, and 12715 for the commodity weighed, measured, or counted.*

Weighmaster Certificate Content

The information in the following boxes are required to be on all weighmaster certificates*, with the exception of the Fish and Game landing receipt*.

BPC 12714(a)	There shall appear in an appropriate and conspicuous place on each certificate all copies thereof, the following legend: ***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.***
BPC 12714(b)	The printed name of the principal weighmaster must be on each certificate as it appears on the weighmaster license. In the case of Smith, Inc. (dba) John Smith Enterprises, John Smith Enterprises is the legal weighmaster name required to be on the certificate.
BPC 12714.5	All information contained on the certificate shall be clear and legible. Each certificate shall be numbered consecutively.

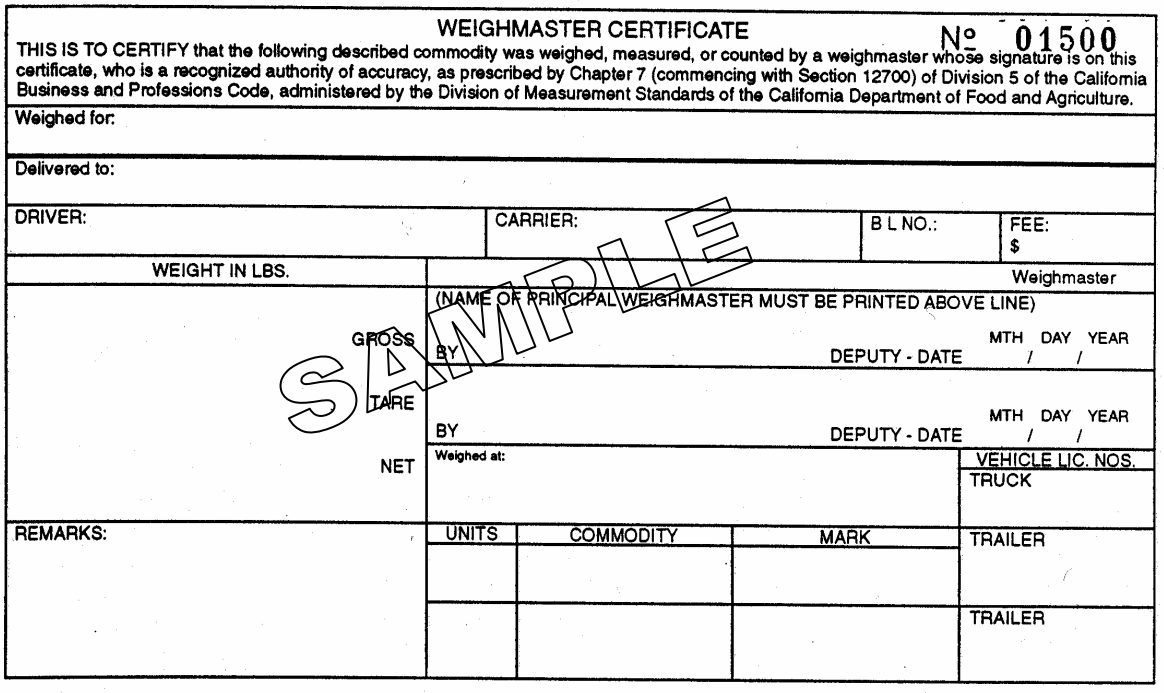
The information in the following boxes are required to be on all weighmaster certificates *as applicable to the weighing, measuring, or counting transaction*.

BPC 12715(a)	Date on which the weight, measure, or count was determined.
BPC 12715(b)	Street address or location description and the city or township where the weighing, measuring, or counting occurred.
BPC 12715(c)	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. All persons licensed as deputy weighmasters shall sign their name on the certificate exactly as it appears on the license.
BPC 12715(d)	The kind of commodity and any other information that may be necessary to identify the commodity or distinguish it from a similar commodity. (i.e., Zinfandel grapes, *not* just grapes; scrap car parts, *not* just scrap)

BPC 12715(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. (Units would be countable items such as bins, boxes, bales of hay, etc.)
BPC 12715(f)	The name of the owner, or his or her agent, and the consignee. Additionally, 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 must also be on the certificate.
BPC 12715(g)(1) **CCR 4410(a)**	Gross weight of the commodity and the vehicle or container, if only the gross weight was determined. To issue the weighmaster certificate as a “gross only”, enter the words “gross only” in the unused tare weight space.
BPC 12715(g)(2) **CCR 4410(b)**	Tare weight of the unladen vehicle or container, if only the tare weight was determined. To issue the weighmaster certificate as a “tare only”, enter the words “tare only” in the unused gross weight space.
BPC 12715(g)(3)	The gross, tare, and net weights when a gross and tare are used in determining the net weight.
BPC 12715(g)(4) **CCR 4410(c)**	The true net weight, measure, or count when no gross and tare weights are involved in determining the net quantity of the product. To issue the weighmaster certificate as a “net only” certificate, enter the words “net only” in the unused gross and tare weight space. (A “net only” certificate would be issued in the instances where no container or vehicle is involved in the measuring or weighing, or the commodity only is placed directly on a scale.)
BPC 12715(h)	The tare weight, and the code identification or description of boxes, bins, pallets, or other containers. Where a common tare weight is used in determining a net weight, the certificate shall show the bin or container code designation, the number of bins or containers in the load, and the established common tare weight for those bins or containers.

BPC 12715(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 weighmasters' records. (When using a truck or equipment number for identification, the weighmaster must maintain a record of the actual license number that corresponds to that truck or equipment number.)
BPC 12715(j)	Unit of measure, such as pounds, tons, gallons, kilograms, cubic yards, used to identify the quantity. Unit of measure also includes *count*.

Weighmaster Certificate No. 01500 is an example of a generic certificate used principally (but not exclusively) by third party weighers commonly referred to as "public scales".



WEIGHMASTER CERTIFICATE № 01500

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.

Weighed for:

Delivered to:

DRIVER: | CARRIER: | B L NO.: | FEE: $

WEIGHT IN LBS. | Weighmaster

(NAME OF PRINCIPAL WEIGHMASTER MUST BE PRINTED ABOVE LINE)

GROSS — BY — DEPUTY - DATE MTH DAY YEAR / /

TARE — BY — DEPUTY - DATE MTH DAY YEAR / /

NET — Weighed at: | VEHICLE LIC. NOS. TRUCK

REMARKS:

UNITS	COMMODITY	MARK	
			TRAILER
			TRAILER

SAMPLE

Weighmaster certificate 1220 is an example of a certificate that can be used for a measurement (cubic yardage) transaction as well as a weight (pounds) transaction and is often used by the landscaping industry.

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 Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

1220

SAMPLE

NAME _____

DATE _____

BUYER: _____

SELLER: _____

MEASURED/WEIGHED AT _____

DELIVERED TO: _____

WEIGHT	COMMODITY	PRICE
CUBIC YARDS		
LBS GROSS		
LBS TARE		
LBS NET		
NAME OF WEIGHMASTER	TOTAL $	

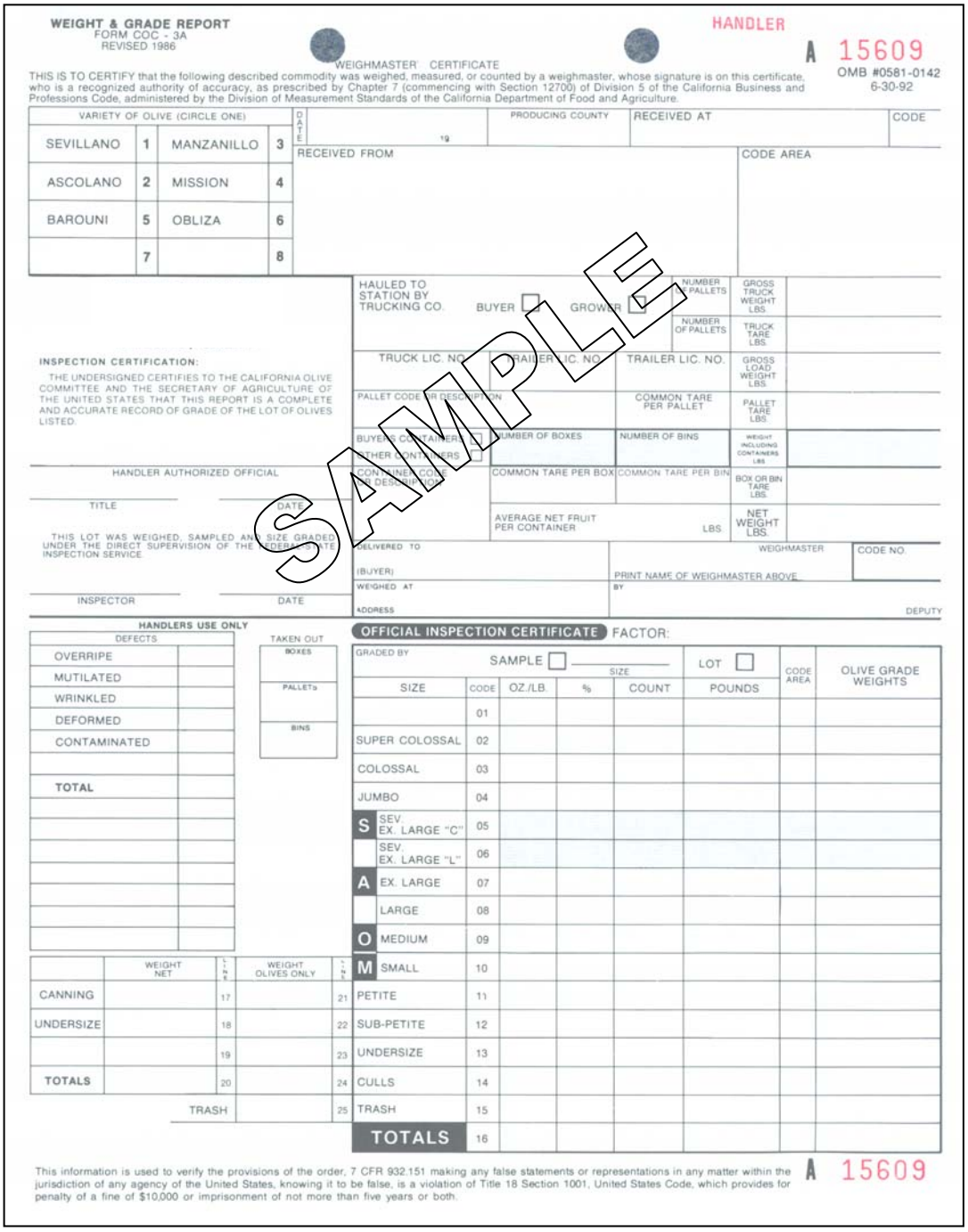
SAMPLE

WEIGHMASTER

BY: _____ DEPUTY

RECEIVED BY: _____

Weighmaster certificate A15609 is an example of a certificate commonly referred to as a combination grade/weight certificate. It is primarily used for agricultural commodities when the grade of the commodity, as well as the weight, affects the final payment to the grower.



WEIGHT & GRADE REPORT
FORM COC - 3A
REVISED 1986

HANDLER

A 15609

WEIGHMASTER CERTIFICATE

OMB #0581-0142
6-30-92

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.

VARIETY OF OLIVE (CIRCLE ONE)				DATE 19	PRODUCING COUNTY	RECEIVED AT	CODE
SEVILLANO	1	MANZANILLO	3	RECEIVED FROM		CODE AREA	
ASCOLANO	2	MISSION	4				
BAROUNI	5	OBLIZA	6				
	7		8				

HAULED TO STATION BY TRUCKING CO. BUYER ☐ GROWER ☐ NUMBER OF PALLETS | GROSS TRUCK WEIGHT LBS. | NUMBER OF PALLETS | TRUCK TARE LBS.

TRUCK LIC. NO. | TRAILER LIC. NO. | TRAILER LIC. NO. | GROSS LOAD WEIGHT LBS.

PALLET CODE OR DESCRIPTION | COMMON TARE PER PALLET | PALLET TARE LBS.

BUYER'S CONTAINERS ☐ OTHER CONTAINERS ☐ | NUMBER OF BOXES | NUMBER OF BINS | WEIGHT INCLUDING CONTAINERS LBS.

CONTAINER CODE OR DESCRIPTION | COMMON TARE PER BOX | COMMON TARE PER BIN | BOX OR BIN TARE LBS.

AVERAGE NET FRUIT PER CONTAINER LBS. | NET WEIGHT LBS.

INSPECTION CERTIFICATION:
THE UNDERSIGNED CERTIFIES TO THE CALIFORNIA OLIVE COMMITTEE AND THE SECRETARY OF AGRICULTURE OF THE UNITED STATES THAT THIS REPORT IS A COMPLETE AND ACCURATE RECORD OF GRADE OF THE LOT OF OLIVES LISTED.

HANDLER AUTHORIZED OFFICIAL

TITLE DATE

THIS LOT WAS WEIGHED, SAMPLED AND SIZE GRADED UNDER THE DIRECT SUPERVISION OF THE FEDERAL-STATE INSPECTION SERVICE.

INSPECTOR DATE

DELIVERED TO (BUYER) | WEIGHMASTER PRINT NAME OF WEIGHMASTER ABOVE | CODE NO.

WEIGHED AT ADDRESS | BY DEPUTY

SAMPLE

HANDLERS USE ONLY

DEFECTS	
OVERRIPE	
MUTILATED	
WRINKLED	
DEFORMED	
CONTAMINATED	
TOTAL	

TAKEN OUT: BOXES, PALLETS, BINS

	WEIGHT NET	LINE	WEIGHT OLIVES ONLY	LINE
CANNING		17		21
UNDERSIZE		18		22
		19		23
TOTALS		20		24
TRASH				25

OFFICIAL INSPECTION CERTIFICATE FACTOR:

GRADED BY SAMPLE ☐ SIZE LOT ☐

	SIZE	CODE	OZ./LB.	%	COUNT	POUNDS	CODE AREA	OLIVE GRADE WEIGHTS
		01						
	SUPER COLOSSAL	02						
	COLOSSAL	03						
	JUMBO	04						
S	SEV. EX. LARGE "C"	05						
	SEV. EX. LARGE "L"	06						
A	EX. LARGE	07						
	LARGE	08						
O	MEDIUM	09						
M	SMALL	10						
	PETITE	11						
	SUB-PETITE	12						
	UNDERSIZE	13						
	CULLS	14						
	TRASH	15						
	TOTALS	16						

This information is used to verify the provisions of the order, 7 CFR 932.151 making any false statements or representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of Title 18 Section 1001, United States Code, which provides for penalty of a fine of $10,000 or imprisonment of not more than five years or both.

A 15609

Weighmaster certificate 4401 is an example of a certificate used in the cement and aggregate industries.

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.

NAME OF FIRM/SELLER

WEIGHED AT _____ CALIF.

Order No. _____ Job No. _____ Date _____

Sold To _____ Cash ☐

Job Address _____ Charge ☐

Mailing Address _____

Pounds	Commodity	Equipt. No./Vehicle License Nos.
GROSS		TRUCK
TARE		TRAILER
NET		TRAILER
TONS		DRIVER

DRIVER ON ☐ OFF ☐ GROSS & TARE

CONCRETE MIX

	SACKS LBS.	CEMENT	ADMIX
	LBS.	WC SAND	
	LBS.	SAND	
	LBS.	GRAVEL	
	LBS.	50 - 50	
	GALS.	WATER ADDED AT PLANT	

UNIT PRICE		
TOTAL		
DISCOUNT		
NET		
CARTAGE		
ADMIX		
TOTAL		
SALES TAX		
STAND-BY-TIME		
AMOUNT		

THIS LOAD GUARANTEED TO CONTAIN YARDS

MIX NO

(NAME OF WEIGHMASTER MUST BE PRINTED BELOW)

WEIGHMASTER

By _____ Deputy

	GALS.	" " AT JOB SITE

LV. PLANT	AR. JOB	START POUR	END POUR	AR. PLANT	OVERTIME
					MINS

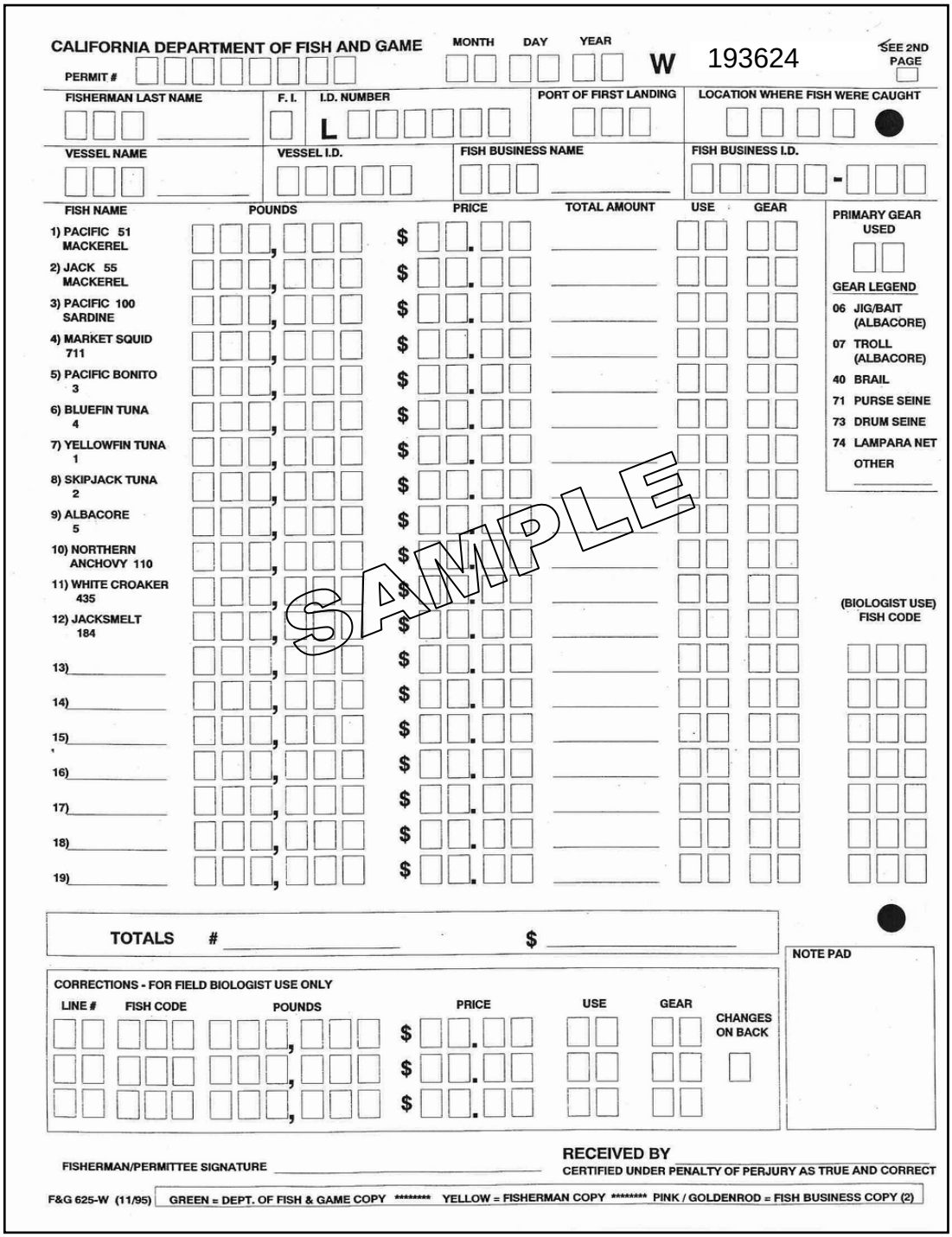
NOTICE: Our drivers will make every effort to place material where Customer designates, but the Company assumes no responsibility for damages inside curb or property line. No claims allowed unless made when material is delivered and receipted for. Interest charged on delinquent accounts. Buyer will pay reasonable costs of collection and attorney's fees.

4401 REC'D BY _____

SAMPLE

SAMPLE

Fish and Game landing receipt W 193624 is an example of a document supplied by the California Department of Fish and Game and is required to be used by the fishing industry. The issuance of this receipt constitutes the issuance of a weighmaster certificate and is accepted as such by DMS. [BPC 12713(b)]



CALIFORNIA DEPARTMENT OF FISH AND GAME

PERMIT # | MONTH | DAY | YEAR | W 193624 | SEE 2ND PAGE

FISHERMAN LAST NAME | F. I. | I.D. NUMBER L | PORT OF FIRST LANDING | LOCATION WHERE FISH WERE CAUGHT

VESSEL NAME | VESSEL I.D. | FISH BUSINESS NAME | FISH BUSINESS I.D.

FISH NAME	POUNDS	PRICE	TOTAL AMOUNT	USE	GEAR
1) PACIFIC MACKEREL 51		$			
2) JACK MACKEREL 55		$			
3) PACIFIC SARDINE 100		$			
4) MARKET SQUID 711		$			
5) PACIFIC BONITO 3		$			
6) BLUEFIN TUNA 4		$			
7) YELLOWFIN TUNA 1		$			
8) SKIPJACK TUNA 2		$			
9) ALBACORE 5		$			
10) NORTHERN ANCHOVY 110		$			
11) WHITE CROAKER 435		$			
12) JACKSMELT 184		$			
13)		$			
14)		$			
15)		$			
16)		$			
17)		$			
18)		$			
19)		$			

PRIMARY GEAR USED

GEAR LEGEND
06 JIG/BAIT (ALBACORE)
07 TROLL (ALBACORE)
40 BRAIL
71 PURSE SEINE
73 DRUM SEINE
74 LAMPARA NET
OTHER

(BIOLOGIST USE) FISH CODE

SAMPLE

TOTALS # $

NOTE PAD

CORRECTIONS - FOR FIELD BIOLOGIST USE ONLY

LINE #	FISH CODE	POUNDS	PRICE	USE	GEAR
			$		
			$		
			$		

CHANGES ON BACK

FISHERMAN/PERMITTEE SIGNATURE

RECEIVED BY

CERTIFIED UNDER PENALTY OF PERJURY AS TRUE AND CORRECT

F&G 625-W (11/95) GREEN = DEPT. OF FISH & GAME COPY ******** YELLOW = FISHERMAN COPY ******** PINK / GOLDENROD = FISH BUSINESS COPY (2)

Weighmaster Operational Requirements

In addition to weighmaster certificate requirements, there are also operational requirements that the weighmaster must adhere to, such as:

Weighmasters shall weigh a vehicle for certification with all persons out of the vehicle and off the scale in order to provide an accurate weight, unless permitted by statute. (BPC 12724)

Weighmasters shall not weigh a vehicle or combination of vehicles, for certification when part of the vehicle or connected combination is not resting on the scale. (BPC 12728)

Weighmasters shall not issue weighmaster certificates in excess of 80,000 lbs. gross weight, unless permitted by statute. (BPC 12725)

Weighmasters shall weigh, measure or count the vehicle, container, pallet or commodity at the time of each certification, unless permitted by statute. (BPC 12721, 12722)

SELF-EVALUATION QUESTIONS

1. What is a weighmaster certificate?
2. When is a weighmaster certificate required to be issued?
3. Can weighmaster certificates be printed in different format styles?
4. Can a weighmaster certify to a vehicle weight with people in the vehicle?
5. Can a weighmaster certify to a vehicle weight in excess of 80,000 lbs.?

Weighmaster Inspection and Certificate Audits

This segment is an introduction to conducting weighmaster inspections. Follow the procedures outlined in the Weighmaster Enforcement Program Manual when conducting an inspection. This section is not a substitute for experience, training in weighmaster record auditing, or good judgment.

Weighmaster Audit Report

The Audit Report form is supplied by the Division of Measurement Standards and used by the field inspector to record any violations, and recommendations, when conducting a weighmaster inspection. It is not a "check list" to be used indiscriminately or superficially; rather, it is a medium for an orderly report of the inspector's findings after examining the weighmaster certificates and the weighmaster operations.

Audit Policies - Field inspections are of great importance in efficient administration of the Weighmaster Enforcement Program. They assist in ensuring uniform enforcement and in detecting and aiding in the timely correction of weighmaster violations.

Purpose of Weighmaster Inspection Program - In California over $78 billion a year of commodities and services change hands based on weighmaster certificates. An inspection program is essential in providing the following objectives:

- Ensure that all weighmasters are licensed with the Department of Food and Agriculture to be recognized as authorities of accuracy as prescribed by Chapter 7 of Division 5 of the California Business and Professions Code.

- Ensure that the persons performing the weighmaster duties are properly trained.

- Ensure that all weighmasters are using approved and sealed (where required) weighing, measuring, or counting devices that are in proper working condition.

- Promote accuracy in the weighing, measuring and counting of commodities and in the issuance of weighmaster certificates.

- Ensure that carried tare weights on containers, pallets, and vehicles are legally established and maintained.

Relationships of the Inspector and the Weighmaster

Consistent with the purpose of weighmaster inspections, there is no occasion for the inspector to harass weighmasters or to give the impression that the object of the inspection is to find something wrong with the operation of the business. The weighmaster should be assured that the inspector's function is to determine whether or not the laws and regulations have been properly followed. The inspector should aid the weighmaster in gaining a correct understanding of the law.

Starting the Location Inspection

In most all cases, it is appropriate to conduct a weighmaster inspection without making an appointment with the weighmaster. In a case of suspected fraudulent practices, it is mandatory to perform the inspection without prior notification.

Prior to the inspection, it is recommended that the inspector contact Sacramento Division of Measurement Standards (DMS) headquarters office to verify the most recent license information and legal status of the weighmaster. This information will include, but is not limited to, the history of the weighmaster, type of business, starting date of operation, ownership status, notices of violation(s) issued, and any adjudicated criminal or civil cases against the weighmaster relative to weighmaster operations. Individual DMS field offices may not have the most current information in their files.

Arriving at the Place of Business

When you arrive at the weighmaster's place of business, speak with the person who supervises the weighmaster operation. While conducting the weighmaster inspect-tion, be cognizant of the entire operation both inside and outside the scale house.

Based on your review of the weighmaster certificates and records, and observation of the entire weighmaster operation, you will complete the DMS Weighmaster Audit Report form. After completion of the form, all violations shall be reviewed with the person in charge and their signature obtained on the form.

The following are Important areas to examine when assessing the entire weighmaster operation:

Licenses

- Is a current copy available at the weighing location?
- Are all the deputies licensed?
- Does the weighmaster name on the certificate match the name on the license?
- Is the weighing/measuring/counting location correct as stated or shown on the license?

Weighmaster Certificates

- Where are the blank certificates and are they readily available?
- Where are the current and past weighmaster records kept?
- Look in the wastebasket. Are certificates discarded?
- Are there dates on partially completed certificates?
- Are they dated and/or pre-signed and why?
- Who pre-signed them?

Containers and Pallets

- What kind are they and what are they constructed of?
- Are they marked as required?

People Inside

- How many are present and what are they doing?
- Are there conversations occurring about the weighmaster operation? If so, is anything being said that would lead you to believe that violations of the weighmaster laws are occurring?
- Are there any vacant desks with blank or unused weighmaster certificates laying on them?

People Outside

- Are many present and what are they doing?
- Are they part of the operation?
- Is the weighmaster operation running smoothly?

Scale

- Is it appropriate for the weighing operations?
- Is it balanced and what is the minimum scale division?
- Who would benefit by an “out-of-balance” scale condition?
- Do the weighmasters know how to balance the scale?
- Is the scale sealed?
- Is the weighing automated and the system type approved?
- Does the printout match the indicator readings?
- Is the scale deck clean, level, and in good condition?
- Are foreign objects close by that could be used to manipulate the accuracy of the scale?
- Is a CB radio or radio transmitter near the electronic scale indicator that could interfere with an accurate weight reading?

Vehicles/Trucks

- What types are present?
- Are there passengers in the trucks?
- Are the trucks too long for the scale?
- Are tare weights and vehicle numbers stenciled on the truck and/or trailers?

Weighing, Measuring, Counting Procedures

- Observe the entire weighing, measuring, or counting procedure.
- Are “carried” tare weights used and are they correct?
- How are they identified and who established them?
- Does the driver do the weighing?
- Does more than one person in the scale house do the weighing?
- If the weighmaster sells by measure, is there a “scoop loader or bucket” on site?
- What size measure is the bucket (1/2 yard, one yard, etc.)?
- Is the bucket in good condition or are the sides dented?
- Is the deputy weighmaster issuing the certificate the same deputy who loads the bucket and determines the measure?

SELF-EVALUATION QUESTIONS

1. Why is the Weighmaster Audit Report form used?

2. Should the inspector introduce themselves to the person in charge before starting the audit process?

3. What information is stored in the weighmaster's license and legal files located at Division of Measurement Standards headquarters in Sacramento?

Container and Vehicle Tare Weight

This segment will familiarize the inspector with the various types of tare weights. A tare weight is the empty or unladen weight of a vehicle, container, or pallet. For purpose of this training module, a carried tare weight is a tare weight that is legally established and used repeatedly in certifying to the net weight of a commodity. The carried tare weight does not have to be reestablished each time it is used, but it must be maintained according to tolerance levels prescribed by regulations. The inspector will need to know the procedures by which tare weights are established in order to determine compliance with the laws and regulations. All supporting codes and regulations are found in the California Business and Professions Code, Division 5, Chapter 7, and the California Code of Regulations, Title 4, Division 9, Chapter 9, Articles 3, 4, 5, 7, 10, and 11.

Types of **carried** tare weights that are allowed by law and used by industry:

- Common Tare Weights
- Predetermined Individual Tare Weights
- Predetermined Individual Tare Weights on Trucks Hauling Earth, Stone, Rock, Sand, Gravel, and Asphalt Paving Material
- Seasonal Tare Weights (Cab Card)
- Timber Tare Weights
- Multiple Draft Weighings
- Volumetric Conversion of Squid

Common tare weights, predetermined individual tare weights, seasonal tare weights, timber tare weights, and multiple draft weighings shall not be used if a party having a legal or financial interest notifies the weighmaster, prior to the issuance of the certificate, that carried tare weights shall not be used.

History

The purpose of establishing a tare weight was to facilitate the weighing process used in determining the net weight of a given commodity.

By establishing a known and legal tare weight, the requirement of weighing back the empty container, pallet or vehicle for each tare weight certification was eliminated.

Originally, **common** tare weights were set by State and County Weights and Measures officials and a common tare notice issued for each individual commodity. In the early 1980's, changes were made to the process of setting common tares. The setting of these tare weights became the responsibility of the owner of the containers and pallets. Additionally, tare weights could be set and used for more than one commodity.

Common Tare Weights

A common tare weight is the average weight of a group (lot) of containers or pallets, determined by a weighmaster prior to the time of delivery of the commodity. Common tare weights are used for containers and pallets weighing 1,000 lbs. or less. The weighmaster establishing a common tare weight must complete a "Common Tare Notice". This Notice, along with the original weighmaster certificate used in establishing the common tare weight, shall be sent to the Division of Measurement Standards in Sacramento. Common tare weights are not used on vehicles.

Verification Procedure

- Determine:
  - What common tare weights are being used.
  - What containers or pallets were used in establishing the common tare weight.
  - What are the common tare weight codes.
  - How are the containers or pallets identified on the certificates.
  - Any other pertinent information.
- Check the above information against the "Common Tare Notice" that the weighmaster has on file.
- Verify the zero balance of the scale to be used for the verification.
- Proceed to reweigh the containers or pallets.

Note: You must use the same number of containers or pallets as originally weighed by the weighmaster (when the common tare weight was established) prior to taking a court action or Notice of Proposed Action.

Tolerance and Enforcement Policy

The containers or pallets shall be maintained as close as practicable to the established tare weight, but in no event shall such tare weight exceed the tolerance level of two-tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater. When this occurs, appropriate enforcement action shall be taken.

Predetermined Individual Tare Weights

A predetermined individual tare weight is the weight of a vehicle, container, or pallet determined by a weighmaster prior to the time of delivery of a commodity and is established and used under prescribed provisions. Predetermined individual tare weights can be used on vehicles, containers, and pallets.

- Predetermined individual tare weights can only be used if they are based on weighmaster records.
- ***Vehicles*** using predetermined tare weights shall be permanently marked on both sides by either permanent markings or a placard attached with the company name or code, license number, and the predetermined individual tare weight in letters and numerals at least 3 inches tall.
- ***Containers or pallets*** using predetermined tare weights shall be permanently marked on both sides with the company name or code, company identification number, and the predetermined individual tare weight.

Verification Procedure

- Verify the zero balance of the scale.
- Reweigh each vehicle, container or pallet and compare the actual weight against the predetermined individual tare weight.

Tolerances and Enforcement Policy

The vehicles, containers, or pallets shall be maintained as close as practicable to the established tare weight, but in no event shall such weight exceed the tolerance level of two-tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater. When this occurs, appropriate enforcement action shall be taken.

Predetermined Individual Tare Weights for Earth, Stone, Rock, Sand, Gravel and Asphalt Paving Material

The following predetermined tare weight procedures are used specifically for trucks hauling earth, stone, rock, sand, gravel, and asphalt paving material and do **NOT** apply to trucks hauling any other commodity or to containers or pallets.

The issuance of these predetermined individual tare weights are exempt from several weighmaster recording requirements of the California Code of Regulations that apply to predetermined tare weights used for other commodities.

In order to obtain the most accurate tare weight, the weighmaster should weigh the unladen truck or truck/trailer combination with the fuel tank(s) full.

This weight should be recorded with other identifying information for the truck; i.e., equipment number, company name, and license number. This information should be maintained for the weighmaster's reference and used on successive loads hauled by the truck.

The predetermined individual tare weight may be determined with the driver in the truck if, on successive loads, the driver is also in the truck when the gross weight is certified.

Verification Procedure

- Verify the zero balance of the scale.
- Verify, with the weighmaster, if the driver was in the truck when the tare weight was established.
- Reweigh the truck(s) and compare the actual tare weight to the predetermined individual tare weight.

Enforcement Policy

For trucks hauling earth, stone, rock, sand, gravel and asphalt paving materials, the actual tare weight of the truck shall at no time exceed the recorded tare weight. When this occurs, appropriate enforcement action shall be taken.

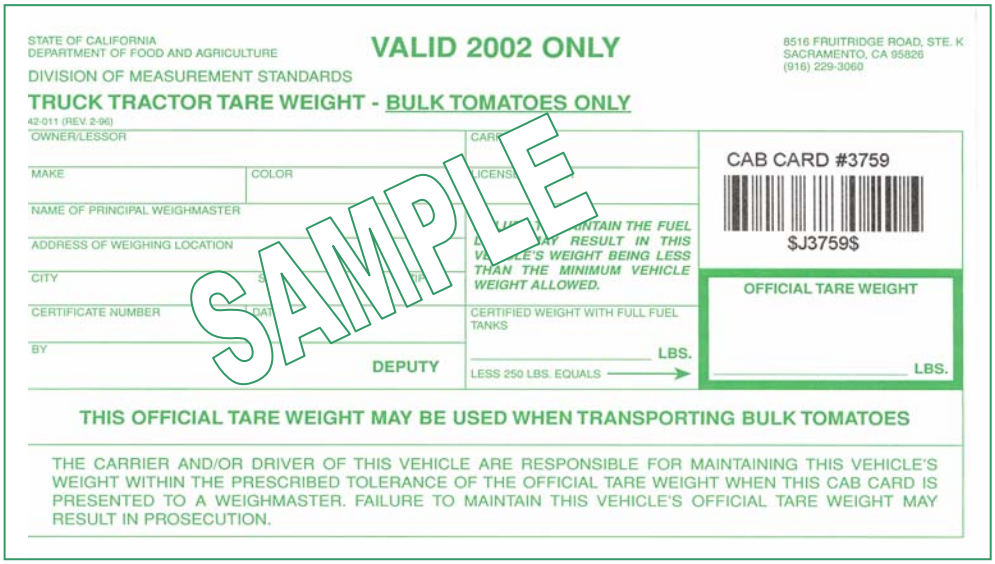
Seasonal Tare Weight (Cab Card)

A seasonal tare is the tare weight of a fuel-consuming vehicle (tractor only) used to transport only bulk loads of tomatoes and is valid for only one harvest season. Seasonal tare weights are not used on containers or pallets.

Seasonal tare weights are officially established with the issuance of a cab card. The cab card must be kept in the tractor for which it was established and must be presented to the weighmaster when used in certifying the net load of tomatoes. It is the responsibility of the party for whom this seasonal tare weight was established to maintain the tare weight within variations prescribed by the Secretary.

A cab card cannot be used if any of the following apply:

- The tractor tare weight varies by more than 300 pounds from the official tare weight stated on the cab card.
- The weight figures have been changed or altered in any manner.
- When the weight or vehicle identification information on the cab card changes.
- If a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a seasonal tare weight (cab card) shall not be used.



STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE

VALID 2002 ONLY

8516 FRUITRIDGE ROAD, STE. K
SACRAMENTO, CA 95826
(916) 229-3060

DIVISION OF MEASUREMENT STANDARDS

TRUCK TRACTOR TARE WEIGHT - BULK TOMATOES ONLY

42-011 (REV. 2-96)

OWNER/LESSOR

MAKE COLOR

NAME OF PRINCIPAL WEIGHMASTER

ADDRESS OF WEIGHING LOCATION

CITY

CERTIFICATE NUMBER

BY DEPUTY

INTAIN THE FUEL RESULT IN THIS LE'S WEIGHT BEING LESS THAN THE MINIMUM VEHICLE WEIGHT ALLOWED.

CERTIFIED WEIGHT WITH FULL FUEL TANKS

LBS.

LESS 250 LBS. EQUALS

CAB CARD #3759

$J3759$

OFFICIAL TARE WEIGHT

LBS.

SAMPLE

THIS OFFICIAL TARE WEIGHT MAY BE USED WHEN TRANSPORTING BULK TOMATOES

THE CARRIER AND/OR DRIVER OF THIS VEHICLE ARE RESPONSIBLE FOR MAINTAINING THIS VEHICLE'S WEIGHT WITHIN THE PRESCRIBED TOLERANCE OF THE OFFICIAL TARE WEIGHT WHEN THIS CAB CARD IS PRESENTED TO A WEIGHMASTER. FAILURE TO MAINTAIN THIS VEHICLE'S OFFICIAL TARE WEIGHT MAY RESULT IN PROSECUTION.

Verification Procedure

The inspector will be on site when the tomatoes are delivered for final weighing and shall:

- Verify the zero balance of the scale.
- After the truck driver presents the cab card to the weighmaster, take possession of the card and instruct the driver to disconnect and return the tractor only to the scale for reweigh.
- Compare the weight indicated on the scale to the “official tare weight” on the cab card to determine if the tractor tare weight is in compliance.

Tolerance and Enforcement Policy

For a tractor hauling tomatoes, the actual tare weight of the tractor cannot vary by more than 300 lbs. from the “official tare weight” stated on the cab card. When this occurs, appropriate enforcement action shall be taken.

Timber Tare Weights

Timber tare weights are established on unladen, log hauling trucks and are used to determine the net weight of logs delivered to a saw mill, where an automated weight scaling program is used to determine the board foot volume of the load. The timber tare weight is established by a weighmaster based on the mathematical average of the first five consecutive loads hauled into the mill by a particular truck. The current established timber tare weight is then subtracted from the gross weight of a laden logging truck to determine the net weight of the logs only.

Verification Procedure

1. Ask to see copies of weighmaster certificates for logging trucks using timber tare weights. Request a copy of the agreement that shows the sample scale frequency.

2. Review the weighmaster certificates to verify that:

    - The timber tare weight is used accurately on each weighing.
    - The timber tare weight is being updated according to the sample scale frequency.
    - The weighmaster certificates contain all of the required information.

3. Review the computer program to ascertain:

    - That the software has been submitted for review and type approval.
    - That the software alerts the deputy weighmaster when a reweigh is needed at the frequency agreed to in the sample scale frequency.
    - That the computer program will not allow the printing of negative weight values.
    - That the software program has motion detection and will not allow the printer to print a weight value while there is motion on the weight-receiving element (scale deck).
    - That the software program will not allow gross, tare and net weight values to be changed once they are entered.
    - That the software program will not reprint copies of weighmaster certificates when all reprints appear to be originals; i.e., all reprints should show the original weighmaster certificate number and indicate that it is a “COPY” or “DUPLICATE” to show that more than one copy of that certificate has been printed.

4. Verify records showing the weights used for each truck/trailer combination; i.e., can you trace the tare weights back 4 years or are the oldest ones lost at each update.

Tolerance and Enforcement Policy

The timber tare weights shall be maintained so that the current actual tare weight does not exceed the recorded timber tare weight by more than two percent (2%). When this occurs, appropriate enforcement action shall be taken.

Multiple Draft Weighing

A multiple draft static weighing operation of a combination of vehicles is a weighing procedure whereby individual weights of connected vehicles in the combination are determined without the entire combination of vehicles resting on the scale deck simultaneously and without disconnecting the vehicles. Multiple draft static weighing operations and multiple draft weighing operations have the same meaning for the purpose of this section.

The California Business and Professions Code for many years has prohibited the multiple draft (two-spot) weighing of combinations of vehicles when the total combination will not rest on the vehicle scale deck at the same time. However, some exemptions to this law have developed over the years. The most recent exemption was passed by the Legislature in 1997, which led to the current regulations for multiple draft weighing.

Multiple draft weighing was requested in the form of legislation by the farm chemical industry. The final version of this piece of legislation required the Division of Measurement Standards to develop regulations to permit multiple draft weighing. Since regulations cannot be written for a specific industry, the regulations had to be in broad enough terms that virtually any type of industry could comply with these regulations.

Any company or firm desiring to use multiple draft weighing must first submit a written request for authorization and submit test data supporting the accuracy of the proposed multiple draft weighing operation. The Secretary of the Department of Food and Agriculture must approve the application before multiple draft weighing can occur.

Verification Procedures

- Verify the zero balance of the scale.
- Review the procedures that the weighmaster used to establish the multiple draft weight of the vehicle and connected combination.
- Reweigh the vehicle and connected combination using the multiple draft weighing operation authorized by the Department.

Tolerance and Enforcement Policy

At no time shall the actual reweigh weight differ from the recorded weight by more than twice the scale tolerance for that weighment. If a multiple draft weighing operation is found to produce weights that are beyond the established tolerances, the Department shall issue an order stating that the multiple draft weighing operation shall not be used until it is reestablished and reauthorized by the Department and appropriate enforcement action shall be taken.

Volumetric Conversion to Weight of Squid

Volumetric conversion to weight of squid is the procedure whereby the weight of squid, Pacific Whiting or anchovy, removed from fishing vessels, may be determined by computation based on volumetric measurement of containers as prescribed.

History

1976	Division of Measurement Standards received numerous complaints from squid fishermen in the Monterey area that fish processors in the San Pedro (Los Angeles County) area were not weighing the squid. Apparently those processors were filling bins with squid and estimating the weights.

1978	Business and Professions Code was amended to allow the Division to adopt regulations for the volumetric measurement of containers of squid, Pacific Whiting, and anchovies.
1982	Tests were performed in San Pedro to assist in the development of regulations for the volumetric conversion to weight for squid. Those regulations were finally adopted in 1982.
1989	Tests were done to set an official weight per cubic foot for squid caught in the Monterey Bay fishery. The Division established this weight at 62.2 pounds per cubic foot.
1992	At the request of the California Department of Fish and Game, tests were done to set an official weight per cubic foot for squid caught statewide. This weight was established at 62.8 pounds per cubic foot by the Division and remains the official weight that is used throughout the State.

Volumetric conversion to weight of squid, Pacific Whiting or anchovy is used at fish receiving locations removing squid, Pacific Whiting or anchovy from fishing vessels into volume calculated containers. The volume of these rigid, non-absorbent and porous containers has been previously determined and approved by the California Division of Measurement Standards. The weights of all full containers are mathematically calculated and only the partially filled containers are weighed.

The weights are then added together and a Fish and Game landing receipt is issued for the total weight of the variety received.

The containers used to receive the squid, Pacific Whiting or anchovy are required to have specific markings including the company name or code, the volume in cubic feet to the nearest 1/100 cubic foot, and the tare weight of the container.

Certain prescribed information is also required to be on the landing receipt. This information would allow anyone auditing the landing receipts to get a full accounting of the amount received and understand how the total weight was determined.

Enforcement Action

If a fish receiving location is found to be using volumetric conversion to weight and the weight per cubic foot is not the weight officially established by the Division of Measurement Standards, a written order shall be issued requiring the fish receiving location to stop using their cubic foot conversion. Appropriate enforcement action shall be taken.

Average Tare Weights

An average tare weight is the average weight of a group (lot) of containers within a uniform weight range and established by a weighmaster at the time the commodity is delivered.

Note: Average tare weights are determined for each load at the time of certification and are NOT used for subsequent loads, therefore an average tare weight is ***not*** considered to be a carried tare weight. Average tare weights are not used on pallets or vehicles.

A random sample of 2 containers is selected to be weighed from the first 50 containers in each lot and 1 additional container for each 50 containers or fraction of 50 thereafter. If 50 containers or less are in the lot, at least 3 containers shall be weighed. The tare weight shall be determined by mathematically dividing the total weight of the random sample by the number of containers in the sample.

Verification Procedure

- Verify the zero balance of the scale.
- Review the procedures that the weighmaster used to establish the average tare weight.

If proper legal procedures were followed, and the same containers used to establish the original average tare weight are available, they would be reweighed to verify the average weight accuracy. If errors are found during the inspection, the appropriate enforcement action shall be taken.

SELF-EVALUATION QUESTIONS

1. What are some types of carried tares?

2. Who shall issue the “Common Tare Notice” when establishing a common tare weight?

3. When establishing predetermined individual tare weights, are any commodities handled differently than other commodities? If so, name two (2) commodities that are handled differently.

4. When establishing predetermined individual tare weights on a vehicle, is there ever an instance where the driver can be on the truck during the weighing? If so, under what conditions?

5. Who must approve a multiple draft weighing operation?

6. Who determines the weight per cubic foot of squid?

7. Are specific markings required on the volume calculated receiving containers used for squid?

End Product Testing

End product testing is an investigative tool used by weighmaster enforcement personnel to determine compliance with the Business and Professions Code and California Code of Regulations relative to weighmaster operations. Information gathered during this process will either prove or disprove whether pertinent laws and regulations are being violated during the weighing process and issuance of weighmaster certificates.

End product testing is, in many situations, the only way to verify the accuracy of the certificates issued by a weighmaster.

Experience has shown that by auditing weighmaster records only, you may find a high level of compliance that does not accurately reflect the actual weighmaster operations and practices. These inspections, coupled with end product testing, give a more accurate picture of what actually occurs at a given weighmaster location.

History

The point at which end product testing had its start is somewhat unknown. However, one of the first efforts had its start in the late 1960's when weighmaster enforcement personnel persuaded the Division to rent a van type truck, put some 1000 lb. weights inside, place magnetic signs on the doors, and travel throughout the state buying weighmaster certificates at public scales.

From this beginning, the program evolved into weight verification, salvage material test sales, household goods reweighs, bulk delivery volume verification, ready-mix concrete verification, and livestock reweighs.

The following are some, but not all, of the types of end product testing performed.

Weight Verification

Weight verification at a weighmaster operation involves the reweighing of a vehicle or commodity and comparing the reweigh weight against the previously issued weighmaster certificate to determine the accuracy of the weighmaster certificate.

Proper procedures are to be followed during this operation and a variety of violations can be determined using these methods.

Some potential Business and Professions Code sections that the **weighmaster** may be violating are:

12718(e)	*Issuing false certificate.*
12724	*Driver/passenger on, driver/passenger off.*
12725	*Over 80,000 lb. at loading site.*
12728	*Certifying a weight without the vehicle combination on the scale (two spotting).*
12510/12107	*As specified in 4000, UR.4.1 - scale out of balance.*

Some potential Business and Professions Code sections that the **truck driver** may be violating are:

12724	*Driver on, driver off.*
12718(b)	*Request false certificate.*
12718(c)	*Give false information to the weighmaster.*

Salvage Material Test Sales

Salvage material test sales are conducted at locations buying scrap material to determine whether or not accurate weights are being given for the seller's commodity.

At some locations weighmasters have automatically deducted weight (1 lb., 2 lb., 3 lb., etc.) claiming that the commodity was dirty or wet.

Other weighmasters have used large capacity scales to weigh small amounts of the commodity (5 lb. or 8 lb. of scrap metal on a scale with 20 lb. graduations) resulting in net weight inaccuracies.

Salvage material test sales or undercover sales are conducted by obtaining a supply of clean and dry salvage material, pre-weighing the material on an appropriate scale so that the exact weight is known, then selling the salvage material to the weighmaster to determine if the correct and accurate weight is given.

Household Goods Reweigh

Household goods reweighs are conducted to ensure that the mover charges for the correct weight of the household goods moved. Because movers charge different rates for goods moved cross-country involving different zones, the consumer could be greatly overcharged for a move that reflects an inaccurate weight.

Due to the fact that household goods complaints are normally received after weights have already been obtained and the customer billed, criminal complaints are hard to obtain from a district attorney. Correction or restitution to the customer is the general result. You might also refer complaints you receive to the Public Utilities Commission or the Department of Consumer Affairs.

Household goods reweighs are usually conducted using one of two different methods, after the mover has loaded the household goods and obtained a certified weighmaster certificate:

1. At the time the household goods are presented for delivery and unloading, the weights and measures official directs the truck driver to the nearest truck scale for a gross weight reweigh. After the household goods are unloaded, the truck is returned to the scale for a tare weight reweigh. A certified weighmaster certificate is obtained by the official to compare the actual weights to the billed weights to determine if a violation occurred.

2. When the truck driver delivers and unloads the household goods, a team of weights and measures officials would be waiting to weigh each piece of goods delivered, add the weights together, and compare them to the billed weights to determine if a violation occurred.

Bulk Delivery Volume Verification

The end product testing of bulk commodities varies as much as the commodities themselves.

Bulk delivery volume verification is conducted on bulk commodities such as sand, saw dust, wood shavings, etc. Landscape materials require quantity verifications using a yardage measure. Leveling, shoveling, and surveillance of the material loaded and delivered is necessary to determine if a shortage exists.

Many times the bulk delivery volume can be verified by measuring the length, width and depth of an approved container. Level the commodity in the container and calculate the volume. If an accurate measure cannot be obtained by measuring the container, use a measuring device to determine the volume delivered.

1/2 Cubic Yard Measure

Ready-Mix Concrete Verification

After concrete has been poured and the forms removed, an accurate determination of the delivery is not easily determined due to the variables involved. When complaints are received, an attempt should be made to enlist the complainant's aid in verifying future deliveries. By knowing the delivery location, you can pre-measure the forms and locate the nearest vehicle scale to reweigh the vehicle(s).

In situations where the concrete has already been poured, multiple core samples can be taken and tested by an independent laboratory to determine the accuracy of the content of the concrete as well as the accuracy of the volume allegedly delivered.

Ready-mix concrete deliveries may be verified using four different methods. You should use the method most applicable to your investigation:

- Actual weight – formula comparison.
- Pre-measured forms.
- Delivery into a volumetric measure.
- Core sampling.

Livestock Reweighs

Livestock reweighs are generally conducted at livestock auction yards.

Auction yards are regulated by agencies other than the Division of Measurement Standards. Agencies that can provide background and expertise are United States Department of Agriculture Packers and Stockyards Administration, CDFA Market Enforcement Branch, and CDFA Bureau of Livestock Identification. It is recommended that you contact these agencies and seek assistance or cooperation prior to reweighing livestock at an auction yard.

When reweighing livestock and comparing weights you should know whether or not feed and water are available since a lack of water and feed can cause animals to shrink (lose weight) dramatically while the ingestion of water and salt can cause extreme weight gains.

Undercover Requests for False Certificates When Using Undercover Vehicle(s)

This type of operation can be as varied as the imagination of the investigator. One must be careful not to entrap the weighmaster. Successful operations in the past have included loaded trucks, partially loaded vans, empty trucks, and empty pickups.

The focus is generally to buy weighmaster certificates for either "heavy" (gross) or "light" (tare) weights and to determine if the weigher is complying with the applicable laws and regulations. You want to determine if the weigher checks to see if all the vehicle wheels are on the scale deck, verifies that everyone is out of the vehicle and off of the scale, and, if requested, will make the gross weight heavier or write in a tare weight without actually weighing the vehicle.

Some of the most frequently violated sections are:

12703	*Unlicensed deputies.*
12713	*Incomplete certificates.*
12718(e)	*False certificates.*
12721	*Certifying to the weight of a vehicle or commodity without actually weighing it.*
12724(a)	*Weighing a vehicle for certification without all persons off the scale.*

SELF-EVALUATION QUESTIONS

1. What is end product testing?
2. Name some commodities on which end product testing methods are used.
3. What other agencies regulate livestock sales yards?

GLOSSARY

A LISTING OF TERMINOLOGY AND ACRONYMS MOST COMMONLY USED BY WEIGHTS AND MEASURES OFFICIALS.

Gross or Gross Weight – The total weight of a vehicle, pallet, or container and its contents.

Laden Weight – Refer to gross or gross weight.

Net or Net Weight – The weight of a commodity only, where no gross or tare weights are involved **or** the resulting weight after subtracting a tare weight from a gross weight.

Tare or Tare Weight – The weight of an empty or unloaded vehicle, pallet or container.

Truck or Truck and Trailer or Vehicle – These terms are used interchangeably for purposes of this Training Module, to describe equipment used in the weighing and transportation of commodities.

USDA – United States Department of Agriculture.

Unladen Weight – Refer to tare or tare weight.

BIBLIOGRAPHY AND REFERENCES

California Business and Professions Code, Division 5, Chapter 7

California Code of Regulations, Title 4, Division 9, Chapter 9

Weighmaster Enforcement Program Manual, January 2003 version

SELF-EVALUATION ANSWERS

Segment 1

1. 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. [BPC 12700]
2. A weighmaster at a non-fixed location performs the same services as a weighmaster at a fixed location except a non-fixed location performs those services at random non-established or unpredictable locations. [Program Policy]
3. Yes. The license would indicate that the weighmaster has paid fees for both fixed and non-fixed location(s). [BPC 12704]

Segment 2

1. A weighmaster certificate is a legal and negotiable document that is used as the basis for either the purchase or sale of the commodity or charge for service. [BPC 12711, 12712, 12713, 12714, 12714.5, and 12715]
2. Whenever payment for the commodity or service represented is dependant on a written or printed weight, measure or count. [BPC 12711]
3. Yes. The format style is not defined in the Business and Professions Code. [BPC 12714, 12714.5 and 12715]
4. No, except where the gross and tare weights are determined without the vehicle leaving the weighing location **or** in the case of vehicles moving earth, stone, rock, sand, gravel and pavement material, the driver may be in the truck if both gross and tare weights were determined in the same manner. [BPC 12724]
5. No, except in instances where the vehicle is **not** weighed at the loading site before entering a highway **or** the vehicle has been authorized a special permit. [BPC 12723]

SELF-EVALUATION ANSWERS

Segment 3

1. To record any violations and recommendations when conducting a weighmaster audit. It is a medium for an orderly report of the inspector's findings after examining the weighmaster certificates and weighmaster operations. [Program Policy]
2. Yes. [Program Policy]
3. Type of business, starting date, ownership status, notices of violations, weighmaster criminal or civil case history, etc. [Program Policy]

Segment 4

1. Common tare weights. [CCR 4400–4446]
   Seasonal tare weights. [CCR 4430-4433]
   Predetermined individual tare weights. [CCR 4420-4423, BPC 12722]
   Timber tare weights. [CCR 4490-4493]
   Multiple draft weighings. [CCR 4495-4495.6]
2. The weighmaster establishing the common tare weight. [CCR 4441]
3. Yes. Tomatoes and earth, stone, rock, sand, gravel or asphalt paving materials. [CCR 4430]
4. Yes. For vehicles hauling earth, stone, rock, sand, gravel, or asphalt material where both gross and tare weights are determined in the same manner and the weighmaster certificate indicates this.
5. The Department, when supplied with a written request. [CCR 4495]
6. The Director (Secretary) of the Department of Food and Agriculture. [BPC 12734]
7. Yes. The company name or code, the volume in cubic feet to the nearest 1/100 cubic feet, the tare weight of the container. [CCR 4472]

SELF-EVALUATION ANSWERS

Segment 5

1. A process and an investigative tool used by weighmaster enforcement personnel to determine compliance with the Business and Professions Code and California Code of Regulations pertaining to weighmaster operations. [Program Policy]
2. Salvage materials, household goods, bulk landscape materials, ready-mix concrete, livestock, public scales certificates. [Program Policy]
3. USDA Packers and Stockyards Administration, CDFA Market Enforcement and CDFA Bureau of Livestock Identification. [BPC 12731, Weighmaster Enforcement Program Manual]

We would appreciate your taking a few moments to complete our training evaluation feedback form. We welcome your comments and any suggestions you might have regarding Training Module 11. You may E-mail your response to us at DMS@cdfa.ca.gov or mail to Division of Measurement Standards at 6790 Florin Perkins Road, Suite 100, Sacramento CA 95828-1812.

1. Did this module fulfill your expectations?

2. What did you like/dislike about this module?

3. What areas would you like to see improved?

4. What specific changes, if any, would you recommend?

5. How could this module be better organized to make it easier to follow and learn from?

6. Was this module too basic or too advanced for someone with an entry level background in weights and measures?

7. Additional comments or suggestions.