

Introduced by Senator Ridley-Thomas

February 23, 2007

An act to amend Section 12500 of the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

SB 970, as introduced, Ridley-Thomas. Weights and measures.

Existing law provides that the Secretary of Food and Agriculture by rules and regulations shall provide for submission for approval of types or designs of measuring instruments or devices used for commercial purposes and shall issue certificates of approval for those he or she finds to meet specified provisions of law and the tolerance and specifications thereunder. Existing law provides that it is unlawful to sell or use an unapproved measuring instrument or device for commercial purposes. Existing law defines a measuring instrument for purposes of these provisions.

This bill would provide that a measuring instrument does not include a fuel gauge installed in a motor vehicle by the motor vehicle manufacturer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12500 of the Business and Professions
- 2 Code is amended to read:
- 3 12500. As used in this chapter the following terms mean:
- 4 (a) "Weighing instrument" means any device, contrivance,
- 5 apparatus, or instrument used, or designed to be used, for

1 ascertaining weight and includes any tool, appliance, or accessory
2 used or connected therewith.

3 (b) “Measuring instrument” means any device, contrivance,
4 apparatus, or instrument used, or designed to be used, for
5 ascertaining measure and includes any tool, appliance, or accessory
6 used or connected therewith. *“Measuring instrument,” however,*
7 *does not include a fuel gauge installed in a motor vehicle by the*
8 *motor vehicle manufacturer.*

9 (c) “Correct” means any weight or measure or weighing,
10 measuring, or counting instrument which meet all of the tolerance
11 and specification requirements established by the director pursuant
12 to Section 12107.

13 (d) “Incorrect” means any instrument which fails to meet all of
14 the requirements of Section 12107.

15 (e) “Commercial purposes” include the determination of the
16 weight, measure, or count of any commodity or thing which is
17 sold on the basis of weight, measure, or count; or the determination
18 of the weight, measure, or count of any commodity or thing upon
19 which determination a charge for service is based. Devices used
20 in a determination upon which a charge for service is based include,
21 but are not limited to, taximeters, odometers, timing devices, parcel
22 scales, shipping scales, and scales used in the payment of
23 agricultural workers.

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