

ASSEMBLY BILL

No. 1181

Introduced by Assembly Member Butler

February 18, 2011

An act to amend Sections 12024.6, 12210.5, 12509, 12511.1, and 12512 of the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as introduced, Butler. Weights and measures.

Existing law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor.

This bill would instead make it unlawful for any person, firm, corporation, or association to advertise, publish, post, or make by any means whatsoever, any deceptive, false, or misleading statement regarding the quantity, purchase, or selling price, or condition of sale or purchase of a product that is offered or solicited for sale or purchase. The bill would also revise the latter provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity or computing the purchase price of the commodity according to a unit price that is less than the highest applicable price posted for the commodity. Because the bill would

change the definition of these crimes, the bill would impose a state-mandated local program.

Existing law also prohibits a person from engaging in business as a service agency for the repair of weights and measures, unless that person registers with the Secretary of Food and Agriculture, as specified.

This bill would make technical and conforming changes to related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 12024.6 of the Business and Professions
2 Code is amended to read:

3 12024.6. ~~No~~*It is unlawful for any person, firm, corporation,*
4 ~~or association shall to advertise, solicit, or represent~~ *publish, post,*
5 ~~or make by any means whatsoever, any deceptive, false, or~~
6 ~~misleading statement regarding the quantity, purchase, or selling~~
7 ~~price, or condition of sale or purchase of a product that is offered~~
8 ~~or solicited for sale or purchase if it is intended to entice a~~
9 ~~consumer into a transaction different from that originally~~
10 ~~represented.~~

11 SEC. 2. Section 12210.5 of the Business and Professions Code
12 is amended to read:

13 12210.5. (a) Any county which inspects or tests any weighing
14 or measuring device or instrument used commercially, at the
15 request of the owner or user of ~~such that~~ device, when ~~such~~
16 inspection or testing of the device could legally be performed by
17 a registered ~~repairman~~ *service agency, as defined in Section 12531,*
18 may, if authorized by the county board of supervisors, collect from
19 the requesting owner or user thereof a fee.

20 ~~Such~~

21 (b) *That* fee shall be based upon a uniform schedule of fees,
22 which shall be prescribed by the ~~director~~ *secretary* for use by the
23 counties. The ~~director~~ *secretary* shall prepare the schedule of fees

1 to be comparable with the rates charged by the industry’s registered
2 repairmen. All fees collected shall be credited to the general fund
3 of the county in which collected and used only for the
4 administration and enforcement of laws pertaining to weights and
5 measures.

6 SEC. 3. Section 12509 of the Business and Professions Code
7 is amended to read:

8 12509. (a) When any weight, measure, or weighing or
9 measuring instrument has been repaired and corrected, and has
10 been reinspected and found correct the sealer shall remove the tag
11 or device with the words “out of order,” and shall seal and mark
12 ~~such~~ that weight, measure, or weighing or measuring instrument
13 in the manner provided for the marking of the same where, upon
14 inspection, it is found correct.

15 ~~Upon~~

16 (b) *Upon* completion of corrective repairs or adjustments, and
17 with the authorization from the sealer, a ~~repairman~~ *registered*
18 *service agency, as defined in Section 12531*, may remove an “out
19 of order” tag or device, and the weight, measure, or weighing or
20 measuring instrument may be placed in service pending
21 reinspection by the sealer.

22 SEC. 4. Section 12511.1 of the Business and Professions Code
23 is amended to read:

24 12511.1. Notwithstanding any other provisions of this division,
25 any weight or measure, or weighing or measuring instrument,
26 found correct or corrected by a ~~repairman~~ *registered service*
27 *agency, as defined in Section 12531*, authorized pursuant to Section
28 12509, may be used commercially pending reinspection by a sealer.

29 SEC. 5. Section 12512 of the Business and Professions Code
30 is amended to read:

31 12512. When the sale of any commodity is based upon a
32 quantity representation either furnished by the purchaser or
33 obtained through the use of equipment supplied by ~~him~~ *the*
34 *purchaser*, the purchaser shall in no case buy the commodity
35 according to any quantity which is less than the true quantity *or*
36 *compute the purchase price of the commodity according to a unit*
37 *price that is less than the highest applicable price posted for the*
38 *commodity*. Violation of this section is a misdemeanor.

39 SEC. 6. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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