

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 amended, 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~~ *a crime*, 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. It is unlawful for any person, firm, corporation, or~~
4 ~~association to advertise, publish, post, or make by any means~~
5 ~~whatsoever, any deceptive, false, or misleading statement regarding~~
6 ~~the quantity, purchase, or selling price, or condition of sale or~~
7 ~~purchase of a product that is offered or solicited for sale or~~
8 ~~purchase.~~

9 ~~SEC. 2.~~

10 ~~SECTION 1. Section 12210.5 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~12210.5. (a) Any county which inspects or tests any weighing~~
13 ~~or measuring device or instrument used commercially, at the~~
14 ~~request of the owner or user of that device, when inspection or~~
15 ~~testing of the device could legally be performed by a registered~~
16 ~~service agency, as defined in Section 12531, may, if authorized~~
17 ~~by the county board of supervisors, collect from the requesting~~
18 ~~owner or user thereof a fee.~~

19 ~~(b) That fee shall be based upon a uniform schedule of fees,~~
20 ~~which shall be prescribed by the secretary for use by the counties.~~
21 ~~The secretary shall prepare the schedule of fees to be comparable~~
22 ~~with the rates charged by the industry’s registered repairmen. All~~

1 fees collected shall be credited to the general fund of the county
2 in which collected and used only for the administration and
3 enforcement of laws pertaining to weights and measures.

4 ~~SEC. 3.~~

5 *SEC. 2.* Section 12509 of the Business and Professions Code
6 is amended to read:

7 12509. (a) When any weight, measure, or weighing or
8 measuring instrument has been repaired and corrected, and has
9 been reinspected and found correct the sealer shall remove the tag
10 or device with the words “out of order,” and shall seal and mark
11 that weight, measure, or weighing or measuring instrument in the
12 manner provided for the marking of the same where, upon
13 inspection, it is found correct.

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

20 ~~SEC. 4.~~

21 *SEC. 3.* Section 12511.1 of the Business and Professions Code
22 is amended to read:

23 12511.1. Notwithstanding any other provisions of this division,
24 any weight or measure, or weighing or measuring instrument,
25 found correct or corrected by a registered service agency, as defined
26 in Section 12531, authorized pursuant to Section 12509, may be
27 used commercially pending reinspection by a sealer.

28 ~~SEC. 5.~~

29 *SEC. 4.* 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 the purchaser,
34 the purchaser shall in no case buy the commodity according to any
35 quantity which is less than the true quantity or compute the
36 purchase price of the commodity according to a unit price that is
37 less than the highest applicable price posted for the commodity.
38 Violation of this section is a misdemeanor.

1 ~~SEC. 6.~~
2 *SEC. 5.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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